

APPENDIX B:

ENVIRONMENTAL ENFORCEMENT FULL COST ACCOUNTING WORKBOOK

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PREPARED FOR:

**Houston-Galveston Area Council
Community and Environmental Planning Department
P.O. Box 22777
Houston, Texas 77227-2777
(713) 627-3200**

PREPARED BY:

**Reed-Stowe & Co., Inc.
5806 Mesa Drive, Suite 310
Austin, Texas 78731
(512) 450-0991
and
West Environmental Consulting
11 Shallow Pond Place
The Woodlands, Texas 77381
(281) 292-5876**

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I. INTRODUCTION

A. Background

Reed-Stowe & Co., Inc. was retained by the Texas Natural Resource Conservation Commission (TNRCC) in 1994 to develop a Municipal Solid Waste Services Full Cost Accounting Workbook (Workbook). The purpose for the Workbook was to develop a tool that local governments could use to determine their full cost of providing municipal solid waste services, and then establish user fees accordingly. This is an abridged form of the original workbook modified for use in determining costs of environmental enforcement programs.

For those communities that operate environmental enforcement programs it is essential that they know how much it costs to operate their enforcement program so that sufficient funding is made available to ensure the financial integrity of the program. This workbook will assist local governments in determining the full cost of operating their environmental enforcement programs.⁴³

The methodology used in this workbook follows the same methodology developed by Reed-Stowe & Co. in drafting the *Municipal Solid Waste Services Full Cost Accounting Workbook*.⁴⁴ The primary differences between this workbook and the one developed for the TNRCC in 1994 is that this workbook is a “simplified” version of the *Municipal Solid Waste Services Full Cost Accounting Workbook*. The Workbook developed in 1994 was more detailed since it indicated how to determine the annual revenue requirement (budget) for multiple solid waste programs (solid waste collection, disposal, recycling, yard waste, etc.), as well as for multiple customer classes (residential, commercial, etc.). This workbook on the other hand, requires the calculation of a revenue requirement for only one program (the environmental enforcement program). In addition, this program does not require the allocation of costs by type of customer since there are no customers. Instead, the program’s funding is typically generated through either ad valorem taxes or a portion of the solid waste user fees.

B. Benefits of Using the Workbook

As mentioned in the previous section, the primary purpose for this workbook is to provide a document that local governments can use to determine the “true cost” of operating the city or county’s environmental enforcement program. By knowing the program’s “true cost” the local government will be better able to budget for the program and make sure sufficient funding is available to finance the program on an on-going basis. In addition, if the local government decides to expand the services offered by the program it will have a better idea as to what the additional services will cost based on the program’s historical costs.

An additional benefit of using full cost accounting to track the cost of the environmental enforcement program is that it will allow the manager of the program to measure the cost effectiveness of the program. For instance, this information will allow the county to quantify the amount of money spent on the following environmental enforcement issues:

- Education of the general public
- Cleanup of illegal dumpsites
- Enforcing the state and local government’s illegal dumping laws
- Prosecuting environmental crimes
- Management and administration of the program

This information can then be used to determine whether the money is being spent wisely and effectively. For instance, the county might determine a correlation between an increase in educational expenditures has resulted in a decrease in illegal dumping. This analysis might warrant consideration on the part of the county to fund additional money for education concerning illegal dumping.

⁴³ For purposes of this workbook, “local governments” is defined as cities, counties, water districts, solid waste districts, etc. that have some type of structured program in place to combat illegal dumping. The authors have found that city and county governments are overwhelmingly the “local” governmental bodies responsible for dealing with illegal dumping. Therefore, the term “city,” “county,” or “local government” will be used interchangeably throughout the text of this manual. However, the authors would emphasize that this workbook will prove beneficial to all governmental agencies and non-profit organizations (Keep America Beautiful, etc.) that desire to establish an environmental enforcement program.

⁴⁴ A copy of the *Municipal Solid Waste Services Full Cost Accounting Workbook* may be obtained from the TCEQ by calling the Publications Department at (512) 239-0028 and requesting document RG-127.

By knowing the full costs associated with the local government's environmental enforcement program the manager can also begin to analyze the "cost-benefit" of providing solid waste collection services and/or recycling services, versus the potential decrease in illegal dumping and the associated decrease in illegal dumpsite cleanup costs.

Knowing the full cost of funding an environmental enforcement program will allow a community to make better decisions with regard to how to best use the local government's limited resources.

C. Comments Concerning the Workbook

The authors of this workbook appreciate the time and effort expended by the cities and counties that provided information with regard to how they budget for purposes of their environmental enforcement program. The authors believe that the enclosed workbook will assist program managers throughout the H-GAC region, as well as Texas, in better administering their programs. The authors welcome and encourage any comments or suggestions with regard to the workbook and the full cost accounting methodology described herein. If you have any questions or comments please contact:

Mr. Dave Yanke
Director
Reed, Stowe & Yanke, a division of R.W. Beck Inc.
5806 Mesa Drive, Suite 310
Austin, Texas 78731

(512) 450-0991 (phone)
(512) 450-0515 (fax)

dyanke@rwbeck.com (e-mail)

II. THE FULL COST ACCOUNTING METHODOLOGY

A. Full Cost Accounting Defined

Full cost accounting is defined as the identification and inclusion of all direct and indirect costs associated with the providing of a particular service or program. For purposes of this workbook, full cost accounting will be discussed from a local government's budgeting perspective, which emphasizes a modified cash basis.⁴⁵

If a city establishes its environmental enforcement program's budget utilizing an accrual basis it runs the risk of incurring a cash shortfall. If a municipality wants to ensure the full recovery of all cash costs associated with operating an environmental enforcement program, full cost accounting should be based on what is called a "**modified cash basis.**" The difference between the modified cash basis and accrual basis is that principal payments and cash capital outlays are used instead of depreciation expense to recover capital costs. A comparison of the two methods is detailed below:

Modified Cash Basis:

Salaries, Wages & Benefits
General O&M Costs
Vehicle Expense
Capital Costs
- **Principal Payments**
- Interest Expense
- **Cash Capital Outlays**

Accrual Basis:

Salaries, Wages & Benefits
General O&M Costs
Vehicle Expense
Capital Costs
- **Depreciation Expense**
- Interest Expense

Because most cities budget and operate on a cash basis, it is important that the budgets be established on a cash basis to ensure the recovery of the cash costs associated with these services. Use of the accrual basis could result in a potential "under-budgeting" for the environmental enforcement program. For instance, if a city has purchased a vehicle for the enforcement officer that is being depreciated over ten (10) years but is financed with a five (5) year note, the note's annual principal payments will be greater than the annual depreciation expense. This will result in a cash shortfall for the city in the early years and a surplus in the later years.

The use of the accrual basis to set budgets also creates a level of uncertainty for the investment community which is familiar with the establishment of municipal budgets on a cash basis. This uncertainty could adversely impact the city's debt ratings. The modified cash basis should aid the city in avoiding any potential cash shortfalls while maintaining the financial integrity of the city's environmental enforcement program.⁴⁶

B. Cost Components

Full cost accounting is defined as the "identification and inclusion of all direct and indirect costs associated with providing a particular service." The first step in developing a cost of service based budget for the local government's environmental enforcement program is to determine what costs are to be included.

Direct Costs

Direct Costs are those expenditures which are specifically budgeted for the environmental enforcement program. They are also directly and clearly attributable to the specific service performed. The workbook will provide the means to calculate the direct costs associated with the city's environmental enforcement program. The workbook separates direct costs into the following seven types:

⁴⁵ A number of articles and presentations on full cost accounting have focused on the topic from a financial reporting and enterprise fund accounting perspective, which utilizes an accrual basis.

⁴⁶ The author would note that any difference to the city's budget from using a modified cash basis versus the accrual basis would be relatively insignificant for a city's environmental enforcement program. However, this methodology becomes more significant when it is used to establish user fees for a solid waste utility, which is more likely to incur debt and have significant cash capital outlays. It is an even larger issue for those cities that have to deal with landfill costs (predevelopment costs, closure and post-closure care costs). Therefore, to be consistent with the modified cash basis which was used in the development of the *Municipal Solid Waste Services Full Cost Accounting Workbook*, the authors would propose that the same methodology be used for determining the "true cost" of operating a city's environmental enforcement program. Finally, while the difference between the modified cash basis and accrual basis will be relatively minor, with regard to the environmental enforcement program's budget, it is important to note that the modified cash basis is the most accurate methodology in determining the program's actual annual costs.

Salaries, Wages & Benefits
Vehicle Expense
Capital Costs
Disposal Costs

Educational Materials Cost
General O&M Costs
Other Costs

Indirect Costs

The full cost for an environmental enforcement program cannot be calculated without taking into account the indirect costs associated with the program. Indirect costs represent services which are provided to the city's environmental enforcement program by other departments within the city. Indirect costs are those that relate to administrative or general services that are shared by many departments within a municipality or county. Indirect costs include such services as:

Administration/City Manager
Central Purchasing
Finance Department
Accounting/Billing
City Council

Legal Department
Personnel Administration
County Engineer
Management Information Systems
General Insurance

There are several accepted and commonly used methods for allocating indirect costs to a local government's environmental enforcement program. Provided in the workbook is a description of two allocation methodologies. The city or county may use either of these methodologies to allocate indirect costs to its environmental enforcement program (Indirect Costs - Forms 10 and 11).

A municipality is not required to use one of the indirect cost allocation methodologies presented in this workbook. However, the municipality should develop an allocation methodology that accurately captures the indirect costs associated with the city's environmental enforcement program. If a city presently has an allocation methodology in place, they need only to verify that it is a fair and equitable methodology.

C. Other Revenue

Once the city has identified its direct and indirect costs, the city must account for any special revenues generated by the city's environmental enforcement program. These special revenues may include revenues from penalties and fines collected from illegal dumpers, sale of recyclables, interest income and miscellaneous income. These revenues are then subtracted from the direct and indirect costs to determine the net cost or budget for the environmental enforcement program. Grant funds should not be included as a revenue offset since they are not typically considered a reliable source of revenue that a local government will have access to every year. As a result, if grant funds are included they will cause the program's "true cost" to be understated.

D. Examples of Full Cost Accounting

Reed, Stowe & Yanke, LLC. in conjunction with West Environmental Consulting completed a study for H-GAC in December 1997 that determined the full cost of operating environmental enforcement programs for Montgomery and Wharton Counties. This study showed that Montgomery County spent \$492,401 per year dealing with illegal dumping.⁴⁷ Wharton County was estimated to have spent \$152,276 per year dealing with illegal dumping.⁴⁸

⁴⁷ Montgomery County spent \$390,775, while the City of Oak Ridge North and Montgomery County Drainage District #6 spent an additional \$101,626 per year.

⁴⁸ *A Review of Illegal Dumping in Montgomery and Wharton Counties*, H-GAC, December 1997.

III. HOW TO USE THE WORKBOOK

A. Forms Provided in the Workbook

The workbook includes one summary form and eleven data collection forms that may be used by the local government to record its detailed cost and volumetric data. Form A and Forms 1-11 may be used to determine the cost for the local government's environmental enforcement program. The forms are:

Summary Form

Form A	Program Cost Summary
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Detailed Cost Information Forms

Form 1	Salaries, Wages & Benefits
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Form 2	Monthly Vehicle Expense Report
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Form 3	Annual Vehicle Expense Report
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Form 4	Capital Costs
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Form 5	Disposal Costs - Monthly
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Form 6	Annual Disposal Costs
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Form 7	Educational Materials Cost
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Form 8	General Operations & Maintenance Costs
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Form 9	Other Costs
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Form 10	Indirect Costs - Method I: Internal Assessment Allocation
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Form 11	Indirect Costs - Method II: Employee Based Allocation
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B. How to Use the Forms

After environmental enforcement personnel and the city have reviewed the workbook, they should be able to determine which forms need to be used to calculate the annual cost of the city's environmental enforcement program. Form A, Program Cost Summary, will provide a breakdown of the city's total costs for the program.

Forms 1 through 11 can be used to calculate the cost of each "program category" as listed on Form A. For purposes of this workbook a "program category" is defined as the major elements which comprise an environmental enforcement program (education, enforcement, prosecution/courts, cleanup, administration, and other). The "other" category should be used to track any additional service cost within the environmental enforcement program.

The forms in this workbook are designed to provide a generic process which can be used by a wide variety of local governments in the H-GAC region, as well as in Texas, all of which have different accounting and financial reporting requirements. Based on a local government's specific needs, it may decide to create its own supplemental forms.

IV. SUMMARY FORM

This section of the workbook provides a brief description of the summary form and how the local government can use this form to identify the cost of each “program category.”⁴⁹

Program Cost Summary

The Program Cost Summary Form will allow the local government to determine the costs associated with each program cost category. The specific costs for each program category can be determined either from the local government’s existing records (if these cost categories are already identified), or by using Forms 1 through 11.

Columns B through G will be used to determine the cost associated with each of the local government’s program categories. Upon completing columns B through G, those columns will provide the total dollar amount expended on each type of program category service, such as environmental education, enforcement, prosecution/courts, etc. These columns are then summed in Column A to arrive at the total costs associated with operating the local government’s environmental enforcement program.

⁴⁹ Education, Enforcement, Prosecution/Courts, Cleanup, Administration, Other.

V. DETAILED COST INFORMATION FORMS

A. Salaries, Wages & Benefits (Form 1)

This form is designed to summarize a county or city's detailed direct labor and employee benefit costs in an annual format which may then be assigned to the county or city's different program categories (education, enforcement, etc.). The purpose of this form is to capture the salaries, wages and benefits of only those employees who work for the county or city's environmental enforcement program.⁵⁰ The form will include the costs associated with both full-time and part time employees.

The county or city will need to complete one Salaries, Wages & Benefits Form for each of the environmental enforcement program's "program categories." This will allow the local government to clearly identify the salaries, wages and benefits associated with each program category. **If the local government's annual budget, or historical costs, already provides salaries, wages and benefits by program category, the city does not need to use Form 1. Instead, the city or county may simply enter the salaries, wages and benefits by program category, directly from the local government's budget on to the Program Cost Summary Form (Form A, line 1).**⁵¹

Employees who perform duties for more than one program category should designate such information when filling out their detailed timesheets. For example, a full-time enforcement officer may spend 25% of his/her time in education and 75% in enforcement.

Data to be entered into Form 1 is as follows:

- Service Provider: Name of city, county, or governmental agency completing the workbook.
- Date Prepared: Date the form is completed.
- Fiscal Year: Record the fiscal year which applies.
- Program Category: Record the name of the program category. The city should fill out one Salaries, Wages & Benefit Form for each of the city's program categories.
- Employee: Enter the name or other identification of each employee who works in this program category.
- Total Wages: Record each employee's annual wages including overtime, bonuses and other monetary compensation. (Some of these items may need to be estimated.)
- Benefits: Include FICA, vacation/sick leave, worker's compensation, unemployment insurance, retirement contribution and other pertinent benefits. These costs can be developed on an individual employee basis or using a composite factor depending on the type of records kept by the local government.
- Total Wages & Benefits: Combined Total Wages and Benefits for each employee.
- Proportion of Time in this Program Category: Record percentage of time that employee spends working in this program category. After completing the Salaries, Wages & Benefit Forms for each program category, make sure for any individuals whose time was allocated between different program categories that the percentages total to 100%.⁵²
- Wages and Benefits this Program Category: This entry is calculated by multiplying the "Total Wages and Benefits" column by the "Proportion of Time on this Program Category."

The salaries, wages and benefits for each program category are then totaled at the bottom of Form 1 and entered on the Salaries, Wages & Benefits line of the Program Cost Summary Form for each respective program category (Form A, line 1).

⁵⁰ The authors realize that an employee may spend only 50% of his time on the environmental enforcement program and his remaining time on other non-environmental enforcement related programs (e.g. road repairs). In this case only 50% of his time should be allocated to the environmental enforcement program.

⁵¹ The city or county may use either historical or budgeted costs to determine the environmental enforcement program's total cost. However, the local government should be consistent in which costs are used in completing this workbook.

⁵² Only individuals that work 100% of the time on the environmental enforcement program should have their time add up to 100%. If an individual only spends 40% of his/her time working on the environmental enforcement program, then only 40% of his time should be recorded on Form 1.

B. Vehicle Expense (Forms 2 and 3)

The purpose of the vehicle expense forms is to assist the local government in budgeting its annual costs associated with operating and maintaining equipment for each of the county's program categories. These costs include parts, supplies, fuel, and all labor involved in the maintenance and repair of the environmental enforcement program's vehicles. There are a number of methods which the county may use to track and record these costs: 1) the use of an internal services fund; 2) the use of some other financial reporting system within the local government; or 3) the use of Forms 2 and 3.

The workbook will provide a brief overview of the first two accounting methods and a more detailed description of Forms 2 and 3. **If the city has a current vehicle cost reporting system that allows them to budget vehicle expenses, and identify which program category(ies) uses the vehicle, the city will not need to use Forms 2 and 3. For those cities that do not have a system in place to track and record vehicle costs by program category, Forms 2 and 3 will help cities to identify these costs.**

1) Internal Services Funds

Prior to determining the city's vehicle costs for each program category, the city should first review the process it is currently using to record vehicle costs. Many cities use an internal services fund to track and record the costs associated with purchasing and maintaining its fleet of city vehicles. This equipment is then "leased" to the individual departments within the city. If the city tracks and records all vehicle costs (purchases, repairs, fuel, etc.) through the use of an internal services fund, the city will probably not have to use Forms 2 and 3 to determine vehicle costs. Once the internal services fund has determined the annual costs associated with each of the environmental enforcement program's vehicles, the only remaining step is to identify which vehicles, or portions of vehicles are associated with each specific program category. The city can then determine the vehicle costs associated with each program category.

2) Other Financial Reporting Systems

While a city may not have an internal services fund, it may still utilize a financial reporting system that allows the city to track costs associated with each vehicle. As long as the system is capable of recording the costs associated with each vehicle and the city can determine which program categories used the vehicle, the city will not have to use Forms 2 and 3.

3) Forms 2 and 3

For a city that has not historically tracked vehicle expenses, by vehicle, Forms 2 and 3 may be used to determine these costs. Form 2 will need to be filled out monthly for each program category. For instance, using Form 2 the environmental enforcement program's cleanup program category will list each piece of equipment that is used in cleaning up illegal dumpsites, including equipment that is partially used (example: 50% cleanup, 50% road repair). After completing a Form 2 for each of the program categories, the city will have the total monthly fuel, repair labor, parts and supplies, outside costs, and lease costs associated with each vehicle in a program category. The annual vehicle cost for each program category is calculated by completing Form 2 on a monthly basis for each program category and then recording the monthly costs on Form 3. This will provide the city with what it costs on an annual basis to own and operate its fleet of environmental enforcement program vehicles, by program category. This figure may then be used as a basis to determine the amount of vehicle expenses which will be budgeted for each program category. The budgeted amount may then be entered on Form A, line 2.

If the cost associated with the purchase of vehicles is included in the internal services fund or on Forms 2 and 3, make sure these same costs are not included on the Capital Costs Form (Form 4) to avoid "double-counting" the purchase costs of any vehicles.

Forms 2 and 3 have the following entries:

- Service Provider: Name of city, county, or governmental agency completing the workbook.
- Date Prepared: Date the form is completed.
- Month: The month for which this report applies.
- Program Category: The program category for which the form is being completed.
- Vehicle ID: Number or other identification for the specific vehicle.

- Fuel: Total fuel costs.
- Repair Labor: Costs of all labor charges for repair.
- Parts/Supplies: Cost of all parts and fluids used for repair and maintenance.
- Outside Costs: Any external repair services required.
- Lease Cost: If the city purchases its vehicles through an internal services fund and the financing costs are not recorded on the Capital Costs Form (Form 4), the city should record the monthly "lease cost" in this column.
- Total Monthly Costs of Vehicle: This column provides a total of the monthly costs incurred for each vehicle.
- Percent of Use in Program Category: The proportion of time that the vehicle is used by each of the environmental enforcement program's "program categories."
- Total Monthly Program Category Costs of Vehicle: The result of multiplying "Total Monthly Costs of Vehicle" by the "Percent of Use in Program Category." This dollar amount represents the proportion of the vehicle costs which are associated with this particular program category.
- Total Monthly Vehicle Expense by Program Category: The total monthly vehicle expense by program category is totaled at the bottom of Form 2. The monthly totals are then entered on Form 3 to arrive at the annual vehicle costs of each program category.

C. Capital Costs (Form 4)

Operating an environmental enforcement program requires that equipment be purchased and used. Some of the "smaller" asset purchases are often financed with "cash capital outlays." In these instances, the assets are paid for with cash, rather than through the issuance of debt. Larger capital purchases, such as the construction of facilities and the purchase of some types of equipment, are usually funded with debt.

Cash capital outlays are used as a "financing vehicle" by most local governments and are often relatively constant from one year to the next. As such, the historical cash capital outlays of an environmental enforcement program can often be used to predict future cash capital outlays. Financing larger expenditures with debt allows the ratable collection of funds over the life of the asset.

Since most municipalities operate on a cash basis, this workbook uses what is called a "modified cash basis." Using annual principal and cash capital outlays in lieu of depreciation expense is an important difference between the modified cash basis and the accrual basis. The modified cash basis is used in determining the true cost of operating an environmental enforcement program on an annual basis. As mentioned earlier in the workbook, there are situations where the use of depreciation expense would understate the cash revenues on an annual basis required to repay the debt service associated with an asset (such as a new truck).

As mentioned in the Vehicle Expense Section (Forms 2 and 3), many municipalities use an internal services fund to purchase and maintain equipment. These funds purchase the required equipment and then "lease" it to the other city departments using a depreciation factor. This is an acceptable methodology, with the lease payment used in lieu of debt service, especially since these assets are often purchased with cash instead of debt. For purposes of this workbook, the internal services fund "lease cost" appears on the workbook's Vehicle Expense Form (Form 2), in anticipation of the same internal services fund also providing maintenance and repair activities as well.

If an environmental enforcement program plans to purchase a major piece of equipment without using debt, or an internal services fund, its impact on "cash capital outlays" will be significant at the time of purchase and cause a "spike" in terms of showing what the true annual cost of operating the environmental enforcement program is. In this special case an amortization factor should be used in order to recoup the cash outlay ratably over the life of the asset. This situation is referred to as an "extraordinary cash outlay" on Form 4. In this case, the annual cost of the asset is determined by dividing the purchase price by the forecasted service life. For example, the cost of a vehicle purchased for use by an environmental enforcement officer would be divided by the number of years the vehicle is to be in service, perhaps 7 to 10 years. Salvage values, when realized, will be recorded in the "Other Revenue" section of Form A, Program Cost Summary.

Form 4, Capital Costs, is a form that can help a city determine the annual capital costs needed for each program category by considering the annual cash outlays and debt service per category. The city will need to complete a Capital Costs Form for each of the city's program categories. This will allow the city to clearly identify the capital costs by category.

Form 4 has the following entries:

- Service Provider: Name of city, county or governmental agency completing the workbook.
- Date Prepared: Date the form is completed.
- Fiscal Year: Record the fiscal year that applies.
- Program Category: The program category that the debt service and cash outlays support.
- Debt Service:
 - ☐ Debt Issue - The date and size of the bond issue.
 - ☐ Total Principal and Interest (P&I) Annual Amount - The total annual payment (principal and interest) for the specified bond. Depending on the payback schedule this number can change from year to year or remain constant. In addition, applicable coverage and revenue requirements should be included for revenue bonds.
 - ☐ Percentage to Program Category - The proportion of assets related to this program category as a percentage of the entire debt issue. A description of the funded assets

should be specified in the bond issue. If the level of detail is insufficient to develop a percentage, estimates should be made with original purchase prices.

- ☐ Program Category P&I Annual Amount - Calculated by multiplying the "Total P&I Annual Amount" by the "Percentage to Program Category."
- ☐ Year Debt Expires - This is the final year of debt service associated with the bond issue. This column is not used in the capital cost analysis but is identified to facilitate subsequent reporting. Early debt payoffs and/or refinancings will need to be considered in future report development.

- Cash Capital Outlays:

- ☐ Description - Cash Capital Outlays are generally described in the city's budget. If insufficient detail is available at the budget level, estimates must be made and/or supporting analysis used.
- ☐ Purchase Amount - Dollars identified for each group of capital expenditures.
- ☐ Percentage to Program Category - Percentage of each capital expenditure which is to be used by this program category. Again, detail must be located or estimated to develop this percentage.
- ☐ Program Category Annual Amount - Calculated by multiplying "Purchase Amount" by the "Percentage To Program Category."

If a large group of program category assets is budgeted to be purchased from cash capital outlays, which is considered outside the course of normal operations, an amortization of this expenditure may be used to avoid a "spike" in determining the environmental enforcement program's total cost. The following entries are used in this situation:

- Extraordinary Cash Outlays

- ☐ Description - Large capital assets budgeted to be purchased with cash.
- ☐ Purchase Amount - Estimated or actual purchase price.
- ☐ Expected Life - Number of years the equipment is projected to remain in service.
- ☐ Amortized Annual Amount - Purchase price divided by expected life. Any salvage value realized at the end of the asset's life will be included in Other Revenues (Form A, Program Cost Summary).
- ☐ Percentage to Program Category - Percentage of each capital expenditure which is to be used by this program category.
- ☐ Program Category Annual Amount – Calculated by multiplying "Amortized Annual Amount" by the "Percentage to Program Category."

D. Disposal Costs (Forms 5 and 6)

The environmental enforcement program must keep track of the tipping fees incurred on a monthly, as well as annual basis, with regard to the cleanup program. Forms 5 and 6 can help the local government in tracking these items.

Data to be entered into Forms 5 and 6 are as follows:

- Service Provider: Name of city, county or governmental agency completing the workbook.
- Date Prepared: Date the form is completed.
- Month/Year: The month for which the disposal fees are being recorded.
- Tonnage/Cubic Yards: The local government will enter the estimated cubic yards or actual pounds/tonnage of materials cleaned up from illegal dumpsites, on a daily basis.
- Disposal Cost: The local government will enter the daily tipping fees paid for the disposal of materials at the local/regional landfill, transfer station, etc. which have been cleaned up from illegal dumpsites.
- Total: At the end of each month the “tonnage/cubic yards” and “disposal costs” are totaled and entered for the appropriate month on Form 6. The amounts entered on Form 6 are then summed to determine the total annual tipping fees incurred for the cleanup of illegal dumpsites. The amount of material collected from illegal dumpsites is then totaled as well, and can be tracked by month, and compared on a year by year basis.

The annual tipping fees incurred in cleaning up illegal dumpsites is recorded on the Program Cost Summary (Form A) line 7, column E. The rest of the “program category” boxes are shaded (blocked) since tipping fees are only associated with cleanup costs and therefore should be recorded only in the cleanup category.

E. Educational Materials (Form 7)

Since the educational component of an environmental enforcement program is one of the key components to a successful program, these costs should be tracked separately. Form 7 was designed to help local governments identify the costs associated with the different educational materials used by the local government to educate the various targeted audiences (general public, prosecutors, local officials, etc.).

Data to be entered on Form 7 is as follows:

- Service Provider: Name of city, county or governmental agency completing the workbook.
- Date Prepared: Date the form is completed.
- Fiscal Year: The month for which the educational costs are being recorded.
- Source: Because it may be a little more difficult to identify these costs, as opposed to the costs identified using the other ten (10) forms, the local government may need to make some estimates or approximations with regard to these costs. A listing of the source documents (receipts, purchase orders, etc.) as well as assumptions should be documented, and then noted in this blank as to where these assumptions and documents are located. This will allow the local government to review these assumptions in future years for accuracy and to determine whether a better method can be developed for projecting these costs.
- Educational Materials Cost: Listed below this “heading” are a sample listing of some of the educational materials which the local government may have purchased to help in educating its citizens, elected officials, etc. This list is not to be considered a comprehensive listing. It is assumed that most local governments will add additional categories to this form to summarize all of its various educational materials.
- Total Cost: The total cost for educational materials is recorded on the Program Cost Summary (Form A) line 8, column B. The rest of the “program category” boxes are shaded (blocked) since the educational materials expenditures are associated exclusively with the local government’s educational program for environmental enforcement.

F. General Operations & Maintenance – Annual (Form 8)

This form is used to compile the General Operations & Maintenance Costs (General O&M) which are specifically budgeted for the local government's environmental enforcement program. Examples of General O&M include office supplies, utilities, small equipment purchases, lease payments (other than those included in the Vehicle Expense Form), insurance (other than that which is included in the Salaries, Wages & Benefits Form), travel and training, and outside payments for services.

The first step in assigning General O&M costs to the environmental enforcement program's different program categories (education, enforcement, prosecution/courts, etc.) is to group the costs in two categories, "**Directly Assignable Costs**" and "**Allocated Costs**." "Directly Assignable Costs" are those costs which can be directly associated with a particular program category, or which are allocated based on a professional standard or educated estimate. For example, the environmental enforcement program may track its postage costs directly related to the mailing of brochures, flyers, etc. These costs would then be entered in the top half of Form 8 with the postage costs entered in the education category.

However, there are some costs that will be unclear as to how they should be allocated among the different program categories. In this case, the local government needs to estimate the amount of General O&M costs that are directly related to supporting the environmental enforcement program. In order to determine this dollar amount, the local government must first calculate the total amount of General O&M in the departments which provide direct support to environmental enforcement protection. For a city, those departments may include the police department, sanitation department, and the courts. If 10% of the direct costs (salaries, vehicle expense, capital outlays, etc.) within the police department are associated with providing environmental enforcement, then 10% of the General O&M within the police department should be allocated to the environmental enforcement program. This calculation should be made for each department within the city that provides direct support to the environmental enforcement program.⁵³ Once the total amount of General O&M associated with the environmental enforcement program is identified, it then needs to be allocated between the different program categories. The General O&M costs will be allocated between the program categories based on a composite of the direct costs as summarized on Form A, line 9. For instance, if 20% of the direct costs on Form A, line 9 are related to the city's education program category, and the city has \$20,000 in General O&M costs that cannot be directly assigned, then 20%, or \$4,000, of these costs should be allocated to the education program category.

Form 8 is used to determine the amount of General O&M Costs associated with each of the city's program categories. This is accomplished in a two-step process: first, by identifying all of the directly assignable costs and assigning them to the appropriate program categories; and second, by taking the remaining General O&M costs that are not directly assignable and allocating them to the program categories based on a composite of the environmental enforcement program's direct costs (Form A, line 9).

Data to be entered on the worksheet are:

- Service Provider: Name of city, county or governmental agency completing the workbook.
- Date Prepared: Date the form is completed.
- Fiscal Year: Record the fiscal year which applies.
- Directly Assignable Costs: Those costs which can be directly assigned to a program category or which can be allocated based on professional standards or educated estimates.
 - ☐ Account Number - Entered, if applicable.
 - ☐ Description - Description of the cost (postage, etc.).
 - ☐ Total Cost - Annual cost for the particular General O&M cost.
 - ☐ Program Category - Enter amount of General O&M costs directly assignable to program categories (e.g., education, enforcement, prosecution/courts, etc.).
 - ☐ Total Dollar Amount - Summation of directly assignable General O&M costs, by program category.

⁵³ Only the departments which provide direct support to the environmental enforcement program should be included on this form (police department, sanitation department, etc.). For those departments that provide indirect support services (purchasing department, finance department, etc.), those indirect costs will be calculated using either Form 10 or 11.

- Allocated Costs: Those General O&M costs which cannot be directly assigned and must instead be allocated based on percentages developed from the direct costs which are summarized on Form A, line 9.
 - ☐ Allocation Percentage - Calculated by summing the data on Form A, lines 1 through 8 and entering it on Form A, line 9. Using the data on line 9, calculate the percentage of direct costs associated with each program category as a percentage of the total direct costs. This percentage is then entered on Form 8, line 11.
 - ☐ Account Number - Entered, if applicable.
 - ☐ Description - Description of the cost (e.g., copier service, etc.).
 - ☐ Total Cost - Annual cost for the particular General O&M cost.
 - ☐ Program Category - Assigned by multiplying the "Allocation Percentage" (Form 8, line 11) by the "Total Cost" column for each separate cost item.
 - ☐ Total Dollar Amount - Summation of allocated costs, by program category and in total.
- Total General O&M Costs Per Program Category: Sum of totals in "Directly Assignable Costs" and "Allocated Costs" groups (lines 10 and 18). This amount is then entered on Form A, line 10.

G. Other Costs (Form 9)

This form is used to compile any additional costs associated with the local government's environmental enforcement program that do not readily fall into one of the prior cost categories. It may be of use if a unique category of costs is incurred. The directions for Form 9 are identical to the directions for General Operation & Maintenance Costs (Form 8). Please refer to the General Operation & Maintenance Costs section for specific directions.

Once the Other Costs are calculated on Form 9, they are entered on Form A, line 11.

H. Indirect Costs (Forms 10 and 11)

Indirect costs represent services that are provided to the local government's environmental enforcement program by other departments within the local government. In order to determine the "true cost" of operating an environmental enforcement program, an accurate allocation methodology must be developed in order to assign a portion of these indirect costs to the local government's environmental enforcement program.

There are several accepted and commonly used methods for allocating indirect costs. For the purposes of this workbook, two methodologies are explained in detail. However, local governments may use other methods to allocate indirect costs as long as they reflect the cost incurred to provide the service(s) to the environmental enforcement program.

Method I: Internal Assessment Allocation (Form 10)

This methodology requires that each department providing indirect support services to the environmental enforcement program determine the percentage of their total costs associated with providing service to environmental enforcement. For instance, the purchasing department might determine its level of support service provided to the environmental enforcement program based on the percentage of purchase orders processed for environmental enforcement activities as a percentage of total purchase orders processed. In the finance department, costs could be allocated on a proportion of financial transactions. The engineering department could allocate costs based on the total number of hours spent on environmental enforcement activities as a percentage of total hours in the department.

This methodology will also allow the allocation of department costs based on interviews with individuals in the department who may be able to better determine what percentage of their time is spent on environmental enforcement activities. Form 10 provides a framework to support the internal assessment methodology.

- Service Provider: Name of city, county, or governmental agency completing the workbook.
- Date Prepared: Date the form is completed.
- Fiscal Year: Record the fiscal year that applies.

Part 1 - Indirect Costs Allocated to the Environmental Enforcement Program

- Department: List the departments that provide indirect support services to the environmental enforcement program (e.g., Purchasing Department, Finance Department, etc.)⁵⁴
- Departmental Budget: Enter the annual budget for each department.
- Percentage Attributable to Environmental Enforcement: Based on the local government's own internal assessment, determine the percentage of the budget which would be attributable to the environmental enforcement program.
- Dollar Amount Attributable to Environmental Enforcement: Column 2 multiplied by Column 3.

Part 2 - Allocation of Indirect Costs to each Environmental Enforcement Program Category

- Direct Costs: Enter the total direct costs for each program in column A (Enter directly from Form A, line 12).
- Percentage of Total Environmental Enforcement Direct Costs: Divide the Direct Costs for each program (Column A) by the "Total Direct Costs" at the bottom of Column A, line 20.
- Total From Part 1 (\$ Amount): Enter the total "Dollar Amount Attributable to Environmental Enforcement" (Column 4, line 13) **on each line** in Column C.
- Indirect Cost to Program Category: Multiply Column B by Column C to determine the indirect cost associated with each of the program categories. This amount is then entered on Form A, line 13, for each program category.

⁵⁴ If a city or county department has incurred costs associated with supporting an environmental enforcement program (police department, sanitation department, etc.) those are **direct** costs, which are directly involved in the provision of the service, versus the purchasing department or finance department which provides support services, and therefore are **indirect** costs. Only indirect costs are to be recorded using either Form 10 or 11.

Method II. Employee Based Allocation (Form 11)

This allocation is based on a ratio of environmental enforcement employees to total local governmental employees. The subsequent allocation to individual program categories is accomplished by identifying the number of environmental enforcement employees associated with each environmental enforcement program category.

- Service Provider: Name of city, county, or government agency completing the workbook.
- Date Prepared: Date the form is completed.
- Fiscal Year: Record the fiscal year which applies.

Part 1 - Budgets for Departments Providing Indirect Service to Environmental Enforcement Program

- Department: List the departments which provide indirect support services to the local government's environmental enforcement program. (e.g., Purchasing Department, Finance Department, etc.)
- Department Budget: Enter the annual budget for each department.

Part 2 - Indirect Costs Allocated to the Environmental Enforcement Program

- Environmental Enforcement Employees: Enter the total number of environmental enforcement employees on line 14. Part-time employees should be added as a fraction (e.g., 1/2, 1/4, etc.).
- Total Local Government Employees: Enter the total number of local government employees on line 15. This number should include all local government employees, both full-time and part-time employees.
- Ratio of Environmental Enforcement Employees to Total: Divide line 14 by line 15.
- Amount Allocated to Environmental Enforcement: Total from Part 1, line 13 multiplied by the percentage in Part 2, line 16.

Part 3 - Allocation of Indirect Costs to Each Environmental Enforcement Program Category

- Environmental Enforcement Employees by Program: Enter the total number of environmental enforcement employees associated with each specific program category. Part-time employees should be added as a fraction (e.g., 1/2, 1/4, etc.).
- Percentage of Total Environmental Enforcement Employees: Divide the number of employees for each program (Column A) by the "Total Environmental Enforcement Employees" at the bottom of Column A, line 24. (Note: "Total Environmental Enforcement Employees" should equal the number of environmental enforcement employees from Part 2, line 14.)
- \$ Amount from Part 2, Line 17: Enter the total dollar amount from Part 2, Line 17 **on each line** in Column C.
- Indirect Cost to Program Category: Multiply Column B by Column C to determine the indirect costs associated with each of the local government's environmental enforcement program's categories. This amount is then entered on Form A, Line 13, for each environmental enforcement program category

I. Other Revenue

Sources of other revenue for the local government's environmental enforcement program are listed on Form A, Lines 14 through 19. These revenues include penalties and fines collected, interest income, revenues generated from the sale of recyclables, miscellaneous revenue and the salvage value of any equipment sold by the local government's environmental enforcement program. These revenues should be recorded as a revenue offset in the determination of the local government's cost of operating the environmental enforcement program. Grant funds should not be included as a revenue offset since they are not typically considered a reliable source of revenue that a local government will have access to every year. As a result, if grant funds are included they will cause the program's "true cost" to be understated.

Where revenues can be directly assigned to a program category they should be recorded as a revenue offset to only that program category. For instance, the sale of any recyclables should be recorded as a revenue offset to the cleanup program (Form A, Line 16, Column E).⁵⁵ For those revenues which cannot be clearly identified with a specific program category, they should be allocated among the program categories based on a composite of the program categories' direct costs (Form A, Line 12).

⁵⁵ These revenues should be recorded as revenue offset to the cleanup program category since these recyclables are gathered during the cleanup of illegal dumpsites.

APPENDIX C:

SYNOPSIS OF ENVIRONMENTAL ENFORCEMENT PROGRAMS THROUGHOUT THE UNITED STATES

The authors conducted a survey of cities and counties throughout the United States that have environmental enforcement programs. While this survey is not meant to provide a comprehensive review of how local governments in the United States deal with illegal dumping, the survey is helpful in affirming some of the recommendations proposed by the authors. A detailed description of some of the entities interviewed is provided below.

Lee County, Florida

- Lee County collects a \$.60 per ton surcharge for all solid waste. These funds are earmarked to finance an environmental enforcement program that currently costs \$150,000 per year. The program funds four deputies and their transportation costs in order to cover the 575 square mile county. Each of the deputies works in a decentralized manner patrolling the existing illegal dumpsites within his/her own quadrant.
- Each deputy also specializes in a specific waste material⁵⁶ and maintains current knowledge on safety, recycling and disposal of those waste materials. Strong lines of communication throughout the county allow the deputies to share knowledge of specific waste materials, and apply the proper safety and enforcement procedures.
- The Lee County deputy who specializes in the disposal of tires designed an aggressive program that has successfully removed thousands of illegally dumped tires⁵⁷. The county found a vendor who recycled tires into useful products such as sports turf, mulch and weed mats around road signs. The county had one of their parks resurfaced with the spongy, shock absorbing matting, which is safer for children to play on than conventional surfaces.

Jackson, Gallia, Meigs, and Vinton Counties, Ohio – Solid Waste Management District

- The four rural counties surveyed in Ohio formed a joint Solid Waste Management District to combat illegal dumpers in the southeast region of the state. Each county has a sheriff's deputy who spends 20 hours per week on illegal dumping issues. A surcharge on tipping fees funds the equivalent of half a sheriff's deputy per county to enforce illegal dumping.
- The Solid Waste Management District (District) has significant problems with construction and demolition debris from the county's own residents. Typically, high growth counties have problems with C&D, but the rural southeast region of Ohio has recently endured severe flooding; therefore, homeowners have been gutting and repairing their homes and illegally disposing of the materials.
- Tires have been the other concern of these counties. The District has become a target for illegal commercial tire dumping. Companies load tires in unmarked covered trailers in Columbus, Ohio and dump the tires in the rural counties within the District. These acts have been nearly impossible for the part-time enforcement officers to proactively combat or "catch" in the act.
- Even when an illegal dumper is apprehended, many of the cases are seen as "low priority" by the courts; thus, they are dismissed by judges.
- Counties in Ohio do not have the ability to draft ordinances and must therefore rely on the State of Ohio to enact legislation with regard to the prosecution of illegal dumpers.

⁵⁶ i.e., hazardous waste, tires, construction and demolition and household solid waste.

⁵⁷ 1,801 in 1993 alone.

Gwinnet County, Georgia

- Gwinnet County has recently consolidated what was previously a disorganized and ineffective environmental enforcement program. Currently the program has two environmental enforcement officers covering a 422 square mile area.
- The rapid growth and expansion in Atlanta has resulted in severe construction and demolition dumping on the county's public property and right-of-ways. The problem has been magnified since the county does not have a C&D disposal facility.
- All solid waste services within the county are privatized. The private operators pay a regulatory fee to the county to fund the enforcement budget. The fees fund a \$400,000 annual illegal dumping enforcement budget.
- Although C&D illegal dumps have been a problem, the county does not plan on constructing a C&D landfill. Currently private operators drive to one of the five type IV sites in the Atlanta metro area, outside the county. Lack of accessibility to a C&D landfill may continue to yield illegal dumpsites within the county.

Maricopa County, Arizona

- Maricopa County's environmental enforcement program is split between the County Board of Health and the Arizona Department of Environmental Quality (ADEQ).
- A limited budget of \$60,000 has been established to fund the nation's fastest growing county⁵⁸ with one enforcement officer and one vehicle.
- Maricopa has over 9,000 square miles of land to patrol.
- Aggressive pursuance of illegal dumpers "caught in the act" has been an impossibility with one officer to cover the entire county; therefore, the enforcement officer is limited to reactive measures. He investigates complaints received by phone. Complaints and numbers of illegal dumpsites have grown and are projected to continue under the current program.

City of Chicago, Illinois

- The City of Chicago uses an administrative hearings process in place of courts to prosecute violators of illegal dumping statutes. The administrative hearings process has greatly reduced the case loads for municipal judges, and resulted in the illegal dumping cases being presented in an administrative hearings process, where the cases receive the appropriate attention. Administrative hearings are funded by the city, but operate with complete autonomy in order to remove any biases.
- An enforcement unit was created within the Department of Environment (DOE) in 1996. The unit is devoted full-time to enforcing against illegal dumping. Investigators respond to citizen complaints, conduct surveillance at high incident sites, and coordinate with the Chicago Police Department in making arrests.
- The city has co-authored a Construction and Demolition Debris handbook with the Environmental Protection Agency. The City of Chicago has historically experienced a large amount of illegal dumping of C&D debris.

⁵⁸ Based on physical population gain of 489,226 people (1990-1996).

- City has established tire bounty days when tires can be disposed of in a legal manner.
- Increasing the cost to dumpers was an important step in improving the city's enforcement program. Fines were increased to between \$1,000 and \$2,000 for first offenses and vehicles of dumpers were impounded at an additional charge of \$2,000.
- City is able to maintain community and governmental involvement by continually broadening the scope of the program and by developing a strong public education component which includes brochures, billboards, bus cards, and an information video, as well as participation in events such as senior citizen picnics, super block meetings and festivals.

Keep Akron Beautiful (Akron, Ohio)

- Program has involvement from all levels of government. The state funded the program, the mayor appointed a policy making board, and the City of Akron service coordinator coordinated all activities with the board. Each level of government has an interest in the success of the program and has an avenue for expressing concerns and interests.
- Program has annual bus tours where judges, prosecutors, and concerned citizens view various illegal dumpsites, and see sites that have been cleaned up and revitalized. In addition, a monthly newsletter is one way in which the program keeps interested parties abreast of current issues with regard to the program.

City of San Diego, California

- Each of the eight enforcement officers is dedicated to a specific geographical area of the city. Each officer becomes familiar with the area they patrol and can identify changes or patterns with regard to illegal dumping.
- The program provides a community cleanup once or twice a month on Saturdays. These cleanups give a community the chance to get rid of large and bulky items. The cleanups rotate, so that every community has a cleanup day about once every three years.
- A new computer system tracks all calls with special codes so that operating data can easily be tracked. A key trend identified through the use of this tracking process is an increase in illegal dumping on public property.

City of Las Vegas/Clark County, Nevada

- Program started in 1994 due to a complaint from a citizen to the Clark County Health District concerning illegal dumping.
- The program is a county operation, but the majority of the activity involves the City of Las Vegas.
- Citizens are highly involved in the illegal dumping program. If a citizen reports an illegal dumper and testifies in the prosecution, then 50% of the fine levied goes to the citizen witness.
- C&D debris is the number one problem, especially concrete. Other commonly found types of debris include yard waste, primarily from commercial landscapers and residential waste.
- A dirt exchange program has helped excavation companies locate people/companies that need fill dirt, thereby reducing some illegal dumping activities.

- The county would like to establish, at some point in the future, an environmental court where only environmental crimes are tried. At present, the prosecutors have not been anxious to prosecute illegal dumpers. As a result, the offenders are oftentimes just told to cleanup the illegally dumped materials.
- The program is funded through a \$1.00 surcharge on the sale of tires.

Cook County, Illinois

- The illegal dumping program is managed by the Air Monitoring Department of Cook County.
- Individuals sentenced by county courts to perform community service are used in illegal dumping cleanup efforts.
- The program is successful due to the cooperation of county highway department and HAZMAT (hazardous materials unit). The highway department allows the use of their trucks and HAZMAT personnel are used in the cleanup of sites.
- The program is funded through county taxes.

City of New York, New York

- Each sanitation supervisor for the City of New York can issue a summons to an illegal dumper to appear in court.
- The program has a community board, which helps to promote community involvement and also helps to govern the program. The board is made up of individuals from different boroughs throughout New York City. The board enhances communication about similar problems and promotes involvement by the entire community.
- The community board helps to educate and inform the public about illegal dumping issues.
- The City of New York has dedicated an entire unit of enforcement officers to combat illegal dumping.

Franklin County, Ohio

- The Franklin County illegal dumping program holds investigation workshops for the police department. The program has been extremely successful in educating over 400 different municipal officers.
- The entire \$380,000 budget is funded by the Solid Waste Authority of Central Ohio.
- The program has a community board that is made up of business leaders, citizens, and representatives from the city. The community board helps to decide how to spend money collected from fines for illegal dumping.
- The program has established and maintained a 100% cleanup rate of illegal dumpsites.
- A dedicated legal counsel is assigned to the county's Anti-Dumping Project. This county prosecutor specializes in environmental law.

- Fines assessed on illegal dumpers are used to help fund the Ohio program and pay for road signs and cleanups.

Dade County, Florida

- Dade County has significantly reduced its illegal dumping problems by taking a proactive approach. They believe the current program is one of the most progressive in the nation.
- Dade County uses a “three-pronged approach.” This approach consolidates the services of the Metro-Dade Police Department, the Office of the State Attorney, and the Dade Solid Waste Management (DSWM). This cooperative effort allows for the investigation, arrest, and prosecution of persons who commit illegal dumping.
- In addition, a “special master” program has been implemented. These county enforcement personnel are empowered to issue civil citations carrying fines from \$250 to \$1,000.
- The enforcement personnel are supplemented with ten undercover illegal dumping enforcement units. This group is not certified to issue citations, but maintains lines of communication with proper enforcement authorities over police radio channels from common illegal dumpsites (i.e., stakeouts).
- The special master program uses a third party who is not a government employee to render impartial decisions.

Palm Beach County, Florida

- In 1989, Palm Beach County had an estimated 740 acres of illegal dumpsites across the 2,300 square mile county. In 1990, the Illegal Dumping Task Force was formed and has been comprised of individuals from the following agencies:
 - County Sheriff’s Office
 - State Attorney’s Office
 - County Code Enforcement
 - County Property Department
 - County Public Health Unit
 - County Real Estate Management Department
 - County Environmental Control Office
 - Department of Environmental Protection
 - The Solid Waste Authority
- The Task Force has been very successful at achieving the program’s goals. This is due, in large part, to full commitment and cooperation of all agencies involved.
 - Repeat offenders have been given prison sentences.
 - Vehicles involved in the act of committing felonies have been confiscated.
 - Cleanup and restoration has been required for those prosecuted.
 - Civil penalties as well as community service has been imposed.

City of San Antonio, Texas

- The City of San Antonio's program started in 1988 and originally focused on noise pollution. In 1991 illegal dumping was included as an enforcement responsibility. The program is housed within the Code Compliance Department of the city. There are 38 civilian employees to deal with substandard housing, abandoned automobiles, etc. The seven police officers within Code Compliance deal solely with illegal dumping.
- The police officers that are in the field are each assigned a district within the city. Each officer has office space at the police precinct station within his district.
- In the northern part of the city, C&D debris is a problem. Overall, the primary debris dumped illegally is residential trash, sofas, beds, etc. The Senior Abatement Officer did note, however, that the dumping of tires is on the rise, since the State of Texas abolished the state's tire recycling program.
- Educational programs concerning illegal dumping focus primarily on the elementary and middle schools. In the past two years, the city has also begun to conduct more presentations for homeowner's associations.
- The city has a 24-hour complaint line (which is shared with the Code Compliance Department for all code issues). The illegal dumping complaints are then sent via computer to the Senior Abatement Officer, who then assigns the case to the appropriate field officer in one of the City's four districts.

Johnson, Hood, Erath and Somervall Counties, Texas

- An illegal dumping task force was recently created to begin combating illegal dumping in a rural four-county area (Johnson, Hood, Erath and Somervall counties). Johnson and Hood counties are experiencing rapid growth, and as a result are seeing a corresponding increase in illegal dumping.
- The start-up of the program is being funded by a grant from the North Central Texas Council of Governments and the Texas Natural Resource Conservation Commission.
- Of the four counties, some were initially more committed to the program than others. To get the buy-in of all four counties, county commissioners and judges from the more proactive counties helped sell the program to the other counties.
- Each county is responsible for "policing" its own territory. However, monthly meetings of the illegal dumping task force allows all counties to keep informed as to the status of illegal dumping in the other areas, share ideas, etc.
- At this point, with the program one-year-old, the biggest challenge is getting the prosecutors and judges involved and educated with regard to environmental law.

Capital Area Planning Council (CAPCO), Texas

- CAPCO's solid waste program has recently taken on the role of administering and coordinating the Capital Region Solid Waste Enforcement Task Force. The purpose of this task force is to improve the enforcement of solid waste laws in Central Texas. The task force was created in 1996 through an interlocal agreement with the counties of Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Llano, Lee, Travis and Williamson; the City of Austin; and the Lower Colorado River Authority.

- Within Travis County there is an environmental county attorney who specializes exclusively in environmental crimes.
- Of the ten counties that comprise CAPCO's region, five have environmental enforcement officers. It should be noted that not all of these officers spend 100% of their time combating illegal dumping. Other responsibilities for these officers includes code enforcement, health and safety, etc.
- CAPCO staff and county officials agree that a coordinated effort and continual emphasis on combating illegal dumping is essential for the success of the program at a county and regional level.

City of Houston, Texas

- The City of Houston established its program to combat illegal dumping in 1992. The program was initially funded with a grant from the Texas Natural Resource Conservation Commission. The program is now funded by the city's General Fund; however, the city does attempt to obtain grant funds whenever possible.
- The city established the "Rat-on-a-Rat" program to encourage citizens to call in on the city's 24-hour hotline when they see someone illegally dumping.⁵⁹ Citizens can receive up to \$200 in cash rewards for the successful conviction of an illegal dumper.
- The program is currently staffed with 17 individuals (1 chief inspector, 6 inspectors, 1 supervisor for inspectors, 2 sergeants, 4 police officers, 1 community liaison, and 2 administrative assistants). Everyone concentrates on the illegal dumping of solid waste with the exception of 2 police officers who focus on hazardous waste. Currently, two police officers are fully qualified to handle hazardous materials, but all remaining police are in the process of qualifying and are involved in hazardous cases. It is not the intent of the program to dedicate particular officers to hazardous waste exclusively. All will be fully trained to respond as needed.
- The unit spends 70% of its time on solid waste illegal dumping, which is its primary focus. The remaining 30% of the time is spent on hazardous illegal dumping and water pollution.
- The city also conducts education programs in the community as part of its Neighborhood Environmental Education Training (NEET) project. NEET conducts seminars and activities aimed at discouraging litter and illegal dumping of hazardous materials. Education programs also encourage recycling, pollution prevention, and safe waste handling methods. Low income and minority neighborhoods are targeted.

Harris County, Texas

- Harris County's Environmental Enforcement Division (EED) was created in May 1993 to respond countywide to the problem of illegal dumping of solid waste in the unincorporated areas of Harris County. It is currently staffed with five (5) certified peace officers commissioned through a centrally-located constable's office.
- The duty of these officers is:
 - To actively work to prevent the illegal dumping of solid and special wastes
 - To bring violators into compliance or justice

⁵⁹ The City of Houston spends \$5 million per year cleaning up illegal dumpsites and hauls away approximately 160,000 cubic yards per year of trash from illegal dumpsites.

- To educate the public about the hazards of illegal dumping, how to properly dispose of solid waste and household hazardous wastes, and how to report illegal dumping
 - To enforce the State of Texas's laws pertaining to the illegal disposing of solid waste
- The Division is focused on traditional enforcement. Enforcement is targeted at identifying, categorizing, and properly responding to dumpsites, abandoned barrels, and related environmental concerns. Two officers are HAZWOPER (Hazardous Waste Operations and Emergency Response) certified and the others will also be trained. The officers are on call 24 hours a day and the EED maintains a 24-hour emergency response line for citizens to report violations. Investigators are immediately notified by the computerized system. Officers have the authority to issue citations to a violator or to arrest those participating in the act of illegal dumping. Cases are also referred to the EED by regular patrol deputies in the Harris County Sheriff's Department and the various Constables' Precincts.
 - The EED's proactive education program includes adult and children's versions of STOP (Stop Trashing Our Precinct) brochures developed in cooperation with a local elementary school, which won first place at the State's Community Problem Solving Competition in 1993. A grant-supported, professionally produced videotape on the dangers and consequences of illegal dumping was also produced.
 - The estimated annual cost of the program is \$275,000+. This includes salaries, benefits, vehicles, film/processing, uniforms, equipment and printing.

**Table C-1. Contact Information for Highlighted Local Governments
and Other Organizations Highlighted⁶⁰**

Local Government or Organization	State	Contact	<i>Phone Number</i>
Camden County	Missouri	Jim Icenogel	(573) 346-2234
Cameron County	Texas	Leslie De Los Santos	(956) 399-3679
City of Chicago	Illinois	Carmen Driver	(312) 744-8096
City of Kansas City	Missouri	Kim Reeves	(816) 513-3491
City of Knoch	Missouri	Sargent Pargo	(314) 521 9999
City of New York	New York	Richard DiPietro	(212) 219-8090
City of San Antonio	Texas	Ruben Castillo	(210) 207-8228
City of San Diego	California	Nancy Lovell	(619) 492-5055
City of Springfield	Missouri	Barbara Lux	(417) 864-2005
City of St. Louis	Missouri	Jeff Towers	(314) 622-4628
Clark County/ Las Vegas	Nevada	Victor Skaar	(702) 383-1274
Cook County	Illinois	Robert LaMorte	(708) 865-6165
Dade County	Florida	Joseph Ruiz	(305) 594-1520
Franklin County	Ohio	Mitzi Kline	(614) 462-3160
Gallia County	Ohio	Bonnie Pierce	(740) 446-1221
Greene County	Missouri	Tim Smith	(417) 868 4015
Gwinnett County	Georgia	Connie Wiggins	(770) 822-5187
Harris County	Texas	Ted Heap	(713) 755-6306
Jackson County	Ohio	Joe Wright	(740) 286-6464
Jefferson County	Missouri	Jerry Brown	(636) 797-5036
Keep Akron Beautiful	Ohio	Paula Davis	(330) 375-2116
Lee County	Florida	Dave Archer	(941) 691-7533
Maricopa County	Arizona	Marc Richardson	(602) 506-3867
Medocino County	California	John Morley	(707) 463-4466
Meigs County	Ohio	James Soulsby	(740) 992-3371
Newton County	Missouri	Gary Roark	(417) 451-4357
Palm Beach County	Florida	Ken Berg	(561) 697-2700
Stone County	Missouri	Tony Delong	(417) 357-6127
Vinton County	Ohio	Angie Mitchell	(614) 596-5242
Wake County	North Carolina	Wayne Woodliet	(919) 856-6196
Wharton County	Texas	Mark Hoffer	(409) 543-1373

⁶⁰ Additional references and contacts specific to the State of Iowa are included in Appendix F.

APPENDIX D:

ENFORCEMENT AND PROSECUTION REFERENCE MATERIALS

- **IOWA STATUTES RELATED TO ILLEGAL DUMPING**
- **MODEL CITY/COUNTY ILLEGAL DUMPING ENFORCEMENT
ORDINANCE**

Iowa Statutes Related To Illegal Dumping

321.369 Putting debris on highway.

A person shall not throw or deposit upon a highway any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris. A person shall not throw or deposit upon a highway a substance likely to injure any person, animal, or vehicle upon the highway. A person who violates this section or section 321.370 commits a misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph "d".

Section History: Early form

[S13, § 4808-a, -b; C24, 27, 31, 35, § 13118; C39, § **5031.08**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 321.369]

Section History: Recent form

97 Acts, ch 147, §3; 2001 Acts, ch 137, §5

Internal References

Referred to in § 321.370, 805.8A(14d)

Footnotes

See § 455B.363

321.370 Removing injurious material.

Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material and other material as defined in section 321.369 shall immediately remove the same or cause it to be removed.

Section History: Early form

[C39, § **5031.09**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 321.370]

Internal References

Referred to in § 321.369, 805.8A(14d)

Footnotes

For applicable scheduled fines, see §805.8A, subsection 14, paragraph d

321.460 Spilling loads on highways.

A vehicle shall not be driven or moved on any highway by any person unless such vehicle is so constructed or loaded or the load securely covered as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping or its load covering from dropping from the vehicle, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway. The provisions of this section shall not apply to vehicles loaded with hay or stover or the products listed in section 321.466, subsections 5 and 6.

Section History: Early form

[C39, § **5035.09**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 321.460]

Internal References

Referred to in § 321E.1, 805.8A(13c)

Footnotes

For applicable scheduled fine, see § 805.8A, subsection 13, paragraph c

455B.186 Prohibited actions.

1. A pollutant shall not be disposed of by dumping, depositing, or discharging such pollutant into any water of the state, except that this section shall not be construed to prohibit the discharge of adequately treated sewage, industrial waste, or other waste pursuant to a permit issued by the director. A pollutant whether treated or untreated shall not be discharged into any state-owned natural or artificial lake.
2. A pesticide shall not be applied to any water of this state which has been classified by the department as a class "A" or class "C", high quality, or high quality resource water, except that this section shall not be construed to prohibit the application of such a pesticide by a certified applicator who is trained in aquatic applications and who has received a permit from the department.

Section History: Early form

[C66, 71, § 455B.28; C73, 75, 77, 79, 81, § 455B.48]

Section History: Recent form

C83, § 455B.186
86 Acts, ch 1245, § 1899; 90 Acts, ch 1167, § 1

Internal References

Referred to in § 455B.191

455B.307A Discarding of solid waste--prohibitions--penalty.

1. For the purposes of this section, "*discard*" means to place, cause to be placed, throw, deposit, or drop.
2. A person shall not discard solid waste onto or in any water or land of the state, or into areas or receptacles provided for such purposes which are under the control of or used by a person who has not authorized the use of the receptacle by the person discarding the solid waste.
3. A person who violates this section is subject to a civil penalty not to exceed five hundred dollars for each violation.

Section History: Recent form

92 Acts, ch 1215, § 10

455B.307 Dumping--where prohibited--penalty.

1. A private agency or public agency shall not dump or deposit or permit the dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the director unless the agency has been granted a permit by the department which allows the dumping or depositing of solid waste on land owned or leased by the agency. The department shall adopt rules regarding the permitting of this activity which shall provide that the public interest is best served, but which may be based upon criteria less stringent than those regulating a public sanitary disposal project provided that the rules adopted meet the groundwater protection goal specified in section 455E.4. The comprehensive plans for these facilities may be varied in consideration of the types of sanitary disposal practices, hydrologic and geologic conditions, construction and operations characteristics, and volumes and types of

waste handled at the disposal site. The director may issue temporary permits for dumping or disposal of solid waste at disposal sites for which an application for a permit to operate a sanitary disposal project has been made and which have not met all of the requirements of part 1 of this division and the rules adopted by the commission if a compliance schedule has been submitted by the applicant specifying how and when the applicant will meet the requirements for an operational sanitary disposal project and the director determines the public interest will be best served by granting such temporary permit.

2. The director may issue any order necessary to secure compliance with or prevent a violation of the provisions of this part 1 of division IV or the rules adopted pursuant to the part. The attorney general shall, on request of the department, institute any legal proceedings necessary in obtaining compliance with an order of the commission or the director or prosecuting any person for a violation of the provisions of the part or rules issued pursuant to the part.

3. Any person who violates any provision of part 1 of this division or any rule or any order adopted or the conditions of any permit or order issued pursuant to part 1 of this division shall be subject to a civil penalty, not to exceed five thousand dollars for each day of such violation.

Section History: Early form

[C71, § 406.9; C73, 75, 77, 79, 81, § 455B.82]

Section History: Recent form

C83, § 455B.307

86 Acts, ch 1245, § 1899; 87 Acts, ch 225, § 415; 88 Acts, ch 1169, § 5; 89 Acts, ch 281, § 1

Internal References

Referred to in § 455B.304

455B.363 Litter.

No person shall discard any litter onto or in any water or land of this state, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose.

Section History: Early form

[C73, 75, 77, 79, 81, § 455B.97]

Section History: Recent form

C83, § 455B.363

Internal References

Referred to in § 455B.364

Footnotes

See § 321.369

455B.364 Penalty.

Any person violating the provisions of section 455B.363, upon conviction, shall be guilty of a simple misdemeanor. The court, in lieu of or in addition to any other sentence imposed, may direct and supervise a labor of litter gathering.

Section History: Early form

[C73, 75, 77, 79, 81, § 455B.98]

Section History: Recent form

C83, § 455B.364

455B.466 Civil penalties.

A person who violates a provision of this part is subject to a civil penalty of not more than ten thousand dollars for each violation and for each day of continuing violation. Civil penalties collected pursuant to this section shall be forwarded by the clerk of the district court to the treasurer of state for deposit in the general fund of the state.

Section History: Recent form

85 Acts, ch 202, §7

Internal References

Referred to in § 29C.8A

455D.9 Land disposal of yard waste--prohibited.

1. Beginning January 1, 1991, land disposal of yard waste as defined by the department is prohibited. However, yard waste which has been separated at its source from other solid waste may be accepted by a sanitary landfill for the purposes of soil conditioning or composting.

2. The department shall assist local communities in the development of collection systems for yard waste generated from residences and shall assist in the establishment of local composting facilities. Within one hundred twenty days of the adoption of rules by the department regarding yard waste, each city and county shall, by ordinance, require persons within the city or county to separate yard waste from other solid waste generated. Municipalities which provide a collection system for solid waste shall provide for a collection system for yard waste which is not composted.

3. The department shall develop rules which define yard waste and provide for the safe and proper method of composting. The rules adopted for a composting facility to be located on property owned by an applicant for a permit prior to July 1, 1992, when the property is located within twenty miles of a metropolitan area of two hundred fifty thousand or more, shall require that prior to the issuance of a permit for a composting facility, the applicant shall submit an economic impact statement to the department. For the purpose of this subsection, "*economic impact statement*" means an estimate of the economic impact of the siting of a composting facility at a specific location on affected property owners.

4. State and local agencies responsible for the maintenance of public lands in the state shall give preference to the use of composted materials in all land maintenance activities.

5. This section does not prohibit the use of yard waste as land cover or as soil conditioning material.

6. This section prohibits the incineration of yard waste at a sanitary disposal project.

Section History: Recent form

89 Acts, ch 272, § 9; 90 Acts, ch 1191, § 4; 92 Acts, ch 1182, § 5

455D.10 Land disposal of lead acid batteries--prohibited--collection for recycling.

1. Beginning July 1, 1990, land disposal of lead acid batteries is prohibited.

2. A person offering for sale or selling lead acid batteries at retail in the state shall do all of the following:

- a.* Accept used lead acid batteries from customers who purchase new lead acid batteries, at the point of sale.
- b.* Post written notice that land disposal of lead acid batteries is prohibited and that state law requires the retailer to accept lead acid batteries for recycling when new lead acid batteries are purchased.

3. A person offering for sale or selling lead acid batteries at wholesale shall accept used lead acid batteries from retailers who purchase new lead acid batteries for resale to consumers, or from wholesale customers.

Section History: Recent form

89 Acts, ch 272, § 10

455D.11 Waste tires--land disposal prohibited.

1. As used in this section, unless the context otherwise requires:

- a.* "Permit" means a permit issued by the department to establish, construct, modify, own, or operate a tire stockpiling facility.
- b.* "Processing" means producing or manufacturing usable materials from waste tires.
- c.* "Processing site" means a site which is used for the processing of waste tires and which is owned or operated by a tire processor who has a permit for the site.
- d.* "Tire collector" means either a person who owns or operates a site used for the storage, collection, or deposit of more than five hundred waste tires or an authorized vehicle recycler who is licensed by the state department of transportation pursuant to section 321H.4 and who owns or operates a site used for the storage, collection, or deposit of more than three thousand five hundred waste tires.
- e.* "Tire processor" means a person engaged in the processing of waste tires.
- f.* "Waste tire" means a tire that is no longer suitable for its originally intended purpose due to wear, damage, or defect. "Waste tire" does not include a nonpneumatic tire.
- g.* "Waste tire collection site" means a site which is used for the storage, collection, or deposit of waste tires.

2. Land disposal of waste tires is prohibited beginning July 1, 1991, unless the tire has been processed in a manner established by the department. A sanitary landfill shall not refuse to accept a waste tire which has been properly processed.

3. The department shall conduct a study and make recommendations to the general assembly by January 1, 1991, concerning a waste tire abatement program which includes but is not limited to the following:

- a.* The number and geographic distribution of waste tires generated and existing in the state.
 - b.* The development of markets for the recycling and processing of waste tires, in the midwestern states.
 - c.* The methods to establish reliable sources of waste tires for users of waste tires.
 - d.* The permitting of waste tire collection sites, waste tire processing facilities, and waste tire haulers.
 - e.* The methods for the cleanup of existing stockpiles of waste tires.
4. Upon completion of the study pursuant to subsection 3, the department shall determine the number of stockpiling facilities which are necessary and shall develop rules for stockpiling facilities which include but are not limited to the following:
- a.* The prohibition of burning within one hundred yards of a tire stockpile.
 - b.* The maximum height, width, and length of a tire stockpile.
 - c.* Plans to control mosquitoes and rodents.
 - d.* A facility closure plan.
 - e.* Specifications for fire lanes between stockpiles.
 - f.* Limitations of the total number of tires allowed at a single stockpile site.

5. The department shall develop criteria for the issuance of permits and shall issue permits to qualified stockpiling facilities.

6. The department shall provide financial assistance to persons who establish recycling and processing sites for waste tires, subject to the rules established by the department for the establishment of such sites and subject to the conditions prescribed by the department for application for and awarding of such financial assistance.

7. The commission shall adopt rules which provide the following:

- a.* That a person who contracts with another person to transport more than forty waste tires is required to contract only with a person registered as a waste tire hauler pursuant to section 9B.1.
- b.* That a person who transports waste tires for final disposal is required to only dispose of the tires at a permitted sanitary disposal facility.
- c.* A person who does not comply with this subsection is subject to the penalty imposed pursuant to section 9B.1 and the moneys allocated shall be deposited and used pursuant to section 9B.1.

8. The department shall adopt rules relating to the storage and disposal of nonpneumatic tires and processed tires.

Section History: Recent form

89 Acts, ch 272, § 11; 91 Acts, ch 257, § 7; 92 Acts, ch 1218, § 3; 96 Acts, ch 1117, § 2; 97 Acts, ch 24, § 1

Internal References

Referred to in § 455D.11C, 455D.11F, 455D.15

455D.13 Land disposal of waste oil prohibited--collection.

1. A sanitary landfill shall not accept waste oil for final disposal beginning July 1, 1990.

2. A person offering for sale or selling oil at retail in the state shall do the following:

- a.* Accept at the point of sale, waste oil from customers, or post notice of locations where a customer may dispose of waste oil.
- b.* Post written notice that it is unlawful to dispose of waste oil in a sanitary landfill.

Section History: Recent form

89 Acts, ch 272, § 13

461A.43 Littering grounds.

No person shall place any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

Section History: Early form

[C39, § 1828.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 111.43]

Section History: Recent form

C93, § 461A.43

Internal References

Referred to in § 350.10, 461A.57, 805.8B(6b)

Footnotes

For applicable scheduled fine, see §805.8B, subsection 6, paragraph b

462A.12 Prohibited operation.

1. No person shall operate any vessel, or manipulate any water skis, surfboard or similar device in a careless, reckless or negligent manner so as to endanger the life, limb or property of any person.
2. A person shall not operate any vessel, or manipulate any water skis, surfboard or similar device while under the influence of an alcoholic beverage, marijuana, a narcotic, hypnotic or other drug, or any combination of these substances. However, this subsection does not apply to a person operating any vessel or manipulating any water skis, surfboard or similar device while under the influence of marijuana, or a narcotic, hypnotic or other drug if the substances were prescribed for the person and have been taken under the prescription and in accordance with the directions of a medical practitioner as defined in chapter 155A, provided there is no evidence of the consumption of alcohol and further provided the medical practitioner has not directed the person to refrain from operating a motor vehicle, any vessel or from manipulating any water skis, surfboard or similar device.
3. No person shall place, cause to be placed, throw or deposit onto or in any of the public waters, ice or land of this state any cans, bottles, garbage, rubbish, and other debris.
4. No person shall operate on the waters of this state under the jurisdiction of the conservation commission any vessel displaying or reflecting a blue light or flashing blue light unless such vessel is an authorized emergency vessel.
5. No person shall operate a vessel and enter into areas in which search and rescue operations are being conducted or an area affected by a natural disaster unless authorized by the officer in charge of the search and rescue or disaster operation. Any person authorized in an area of operation shall operate the person's vessel at a no wake speed and shall keep clear of all other vessels engaged in the search and rescue or disaster operation. A person who must operate a vessel in a disaster area to gain access or egress from the person's home shall be considered an authorized person by the officer in charge.
6. No owner or operator of any vessel propelled by a motor of more than six horsepower shall permit any person under twelve years of age to operate such vessel except when accompanied by a responsible person of at least eighteen years of age who is experienced in motorboat operation.
7. A person shall not operate watercraft in a manner which unreasonably or unnecessarily interferes with other watercraft or with the free and proper navigation of the waters of the state. Anchoring under bridges, in a heavily traveled channel, in a lock chamber, or near the entrance of a lock constitutes such interference if unreasonable under the prevailing circumstances.
8. A person shall not operate a vessel in violation of restrictions as given by state-approved buoys or signs marking an area.
9. A person shall not operate on the waters of this state under the jurisdiction of the commission a vessel equipped with an engine of greater horsepower rating than is designated for the vessel by the federally required capacity plate or by the manufacturer's plate on those vessels not covered by federal regulations.
10. A person shall not leave an unattended vessel tied or moored to a dock which is placed immediately adjacent to a public boat launching ramp or to a dock which is posted for loading and unloading.
11. A person shall not operate a vessel within fifty feet of a diver's flag placed in accordance with the rules of the commission adopted under chapter 17A.

Section History: Early form

[C39, § 1703.17, 1703.21; C46, 50, 54, 58, § 106.17, 106.21, 106.28; C62, 66, 71, 73, 75, 77, 79, 81, § 106.12; 82 Acts, ch 1028, § 15, 16]

Section History: Recent form

86 Acts, ch 1143, § 1; 87 Acts, ch 215, § 38
C93, § 462A.12

Internal References

Referred to in § 462A.14A, 805.8B(1c)

Footnotes

For applicable scheduled fines, see §805.8B, subsection 1, paragraph c

556B.1 Removal--notice to sheriff.

1. The owner or other lawful possessor of real property may remove or cause to be removed any motor vehicle or other personal property which has been unlawfully parked or placed on that real property, and may place or cause such personal property to be placed in storage until the owner of the same pays a fair and reasonable charge for towing, storage or other expense incurred. The real property owner or possessor, or the owner's or possessor's agent, shall not be liable for damages caused to the personal property by the removal or storage unless the damage is caused willfully or by gross negligence.

2. The real property owner or possessor shall notify the sheriff of the county where the real property is located of the removal of the motor vehicle or other personal property. If the owner of the motor vehicle or other personal property can be determined, the owner shall be notified of the removal by the sheriff by certified mail, return receipt requested. If the owner cannot be identified, notice by one publication in one newspaper of general circulation in the area where the personal property was parked or placed is sufficient to meet all notice requirements under this section. If the personal property has not been reclaimed by the owner within six months after notice has been effected, it may be sold by the sheriff at public or private sale. The net proceeds after deducting the cost of the sale shall be applied to the cost of removal and storage of the property, and the remainder, if any, shall be paid to the county treasurer.

Section History: Early form

[C75, 77, 79, 81, § 556B.1]

Section History: Recent form

83 Acts, ch 123, § 190, 209

Internal References

Referred to in § 331.427, 331.653

716.10 Railroad vandalism.

1. A person commits railroad vandalism when the person does any of the following:

- a.* Shoots, fires, or otherwise discharges a firearm or other device at a train or train component.
- b.* Launches, releases, propels, casts, or directs a projectile, missile, or other device at a train or train component.
- c.* Intentionally throws or drops an object on or onto a train or train component.
- d.* Intentionally places or drops an object on or onto a railroad track.

e. Without the consent of the railway corporation, takes, removes, defaces, alters, or obscures any of the following:

- (1) A railroad signal.
- (2) A train control system.
- (3) A train dispatching system.
- (4) A warning signal.
- (5) A highway-railroad grade crossing signal or gate.
- (6) A railroad sign, placard, or marker.

f. Without the consent of the railway corporation, removes parts or appurtenances from, damages, impairs, disables, interferes with the operation of, or renders inoperable any of the following:

- (1) A railroad signal.
- (2) A train control system.
- (3) A train dispatching system.
- (4) A warning signal.
- (5) A highway-railroad grade crossing signal or gate.
- (6) A railroad sign, placard, or marker.

g. Without the consent of the railway corporation, taking, removing, disabling, tampering, changing, or altering a part or component of any operating mechanism or safety device of any train or train component.

h. Without the consent of the railway corporation, takes, removes, tampers, changes, alters, or interferes with any of the following:

- (1) A railroad roadbed.
- (2) A railroad rail.
- (3) A railroad tie.
- (4) A railroad frog.
- (5) A railroad sleeper.
- (6) A railroad switch.
- (7) A railroad viaduct.
- (8) A railroad bridge.
- (9) A railroad trestle.
- (10) A railroad culvert.
- (11) A railroad embankment.
- (12) Any other structure or appliance which pertains or is appurtenant to a railroad.

2. A person commits railroad vandalism in the first degree if the person intentionally commits railroad vandalism which results in the death of any person.

a. Railroad vandalism in the first degree is a class "B" felony. However, notwithstanding section 902.9, subsection 2, the maximum sentence for a person convicted under this section shall be a period of confinement of not more than fifty years.

b. A person commits railroad vandalism in the second degree if the person intentionally commits railroad vandalism which results in serious injury to any person. Railroad vandalism in the second degree is a class "B" felony.

c. A person commits railroad vandalism in the third degree if the person intentionally commits railroad vandalism which results in bodily injury to any person or results in property damage which costs more than ten thousand dollars to replace, repair, or restore. Railroad vandalism in the third degree is a class "C" felony.

d. A person commits railroad vandalism in the fourth degree if the person intentionally commits railroad vandalism which results in property damage which costs ten thousand dollars or less but more than one thousand dollars to replace, repair, or restore. Railroad vandalism in the fourth degree is a class "D" felony.

e. A person commits railroad vandalism in the fifth degree if the person intentionally commits railroad vandalism which results in property damage which costs more than five hundred dollars but does not exceed one thousand dollars to replace, repair, or restore. Railroad vandalism in the fifth degree is an aggravated misdemeanor.

f. A person commits railroad vandalism in the sixth degree if the person intentionally commits railroad vandalism which results in property damage which costs more than one hundred dollars but does not exceed five hundred dollars to replace, repair, or restore. Railroad vandalism in the sixth degree is a serious misdemeanor.

g. A person commits railroad vandalism in the seventh degree if the person intentionally commits railroad vandalism which results in property damage which costs one hundred dollars or less to replace, repair, or restore. Railroad vandalism in the seventh degree is a simple misdemeanor.

3. For purposes of this section, "*railway corporation*" means a corporation, company, or person owning, leasing, or operating any railroad in whole or in part within the state.

For purposes of this section, "*train component*" means any locomotive, engine, tender, railroad car, passenger car, freight car, box car, tank car, hopper car, flatbed, container, work equipment, rail-mounted equipment, or any other railroad rolling stock.

For purposes of this section, "*train*" means a series of two or more train components which are coupled together in a line.

Section History: Recent form

98 Acts, ch 1067, §4

716B.2 Unlawful disposal of hazardous waste--penalties.

A person who knowingly or with reason to know, disposes of hazardous waste or arranges for or allows the disposal of hazardous waste at any location other than one authorized by the department or the United States environmental protection agency, or in violation of any material term or condition of a hazardous waste facility permit, is guilty of an aggravated misdemeanor and upon conviction shall be punished by a fine of not more than twenty-five thousand dollars for each day of violation or imprisonment for not more than two years, or both. If the conviction is for a violation committed after a first conviction under this section, the person is guilty of a class "D" felony and shall be punished by a fine of not more than fifty thousand dollars for each day of violation or imprisonment for not more than five years, or both.

Section History: Recent form

88 Acts, ch 1080, §4

Internal References

Referred to in § 29C.8A

716B.3 Unlawful transportation of hazardous waste--penalties.

A person who knowingly or with reason to know, transports or causes to be transported any hazardous waste to any location other than a facility that is authorized to receive, treat, store, or dispose of the hazardous waste under rules adopted pursuant to the federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901-6992, is guilty of an aggravated misdemeanor and upon conviction shall be punished by a fine of not more than twenty-five thousand dollars for each day of violation or imprisonment for not more than two years, or both. If the conviction is for a violation committed after a first conviction under this section, the person is guilty of a class "D" felony and shall be punished by a fine of not more than fifty thousand dollars for each day of violation or imprisonment for not more than five years, or both.

Section History: Recent form

88 Acts, ch 1080, §5; 95 Acts, ch 49, § 24

Internal References

Referred to in § 29C.8A

716B.4 Unlawful storage or treatment of hazardous waste--penalties.

A person who knowingly or with reason to know, treats or stores hazardous waste without a permit issued pursuant to 42 U.S.C. § 6925 or § 6926 is guilty of an aggravated misdemeanor and upon conviction shall be punished by a fine of not more than twenty-five thousand dollars for each day of violation or imprisonment for not more than two years, or both. If the conviction is for a violation committed after a first conviction under this section, the person is guilty of a class "D" felony and shall be punished by a fine of not more than fifty thousand dollars for each day of violation or imprisonment for not more than five years, or both.

Section History: Recent form

88 Acts, ch 1080, §6

Internal References

Referred to in § 29C.8A

716B.5 Enforcement.

The attorney general or the county attorney for the county in which a violation occurs is responsible for enforcement of this chapter.

Section History: Recent form

88 Acts, ch 1080, §7

716.4 Criminal mischief in the second degree.

Criminal mischief is criminal mischief in the second degree if the cost of replacing, repairing, or restoring the property so damaged, defaced, altered, or destroyed exceeds one thousand dollars but does not exceed ten thousand dollars. Criminal mischief in the second degree is a class "D" felony.

Section History: Early form

[C79, 81, § 716.4]

Section History: Recent form

92 Acts, ch 1060, § 9

Internal References

Referred to in § 717A.3

716.5 Criminal mischief in the third degree.

Criminal mischief is criminal mischief in the third degree if the cost of replacing, repairing, or restoring the property so damaged, defaced, altered, or destroyed exceeds five hundred dollars, but does not exceed one thousand dollars, or if the property is a deed, will, commercial paper or any civil or criminal process or other instrument having legal effect, or if the act consists of rendering substantially less effective than before any light, signal, obstruction, barricade, or guard which has been placed or erected for the purpose of enclosing any unsafe or dangerous place or of alerting persons to an unsafe or dangerous condition. Criminal mischief in the third degree is an aggravated misdemeanor.

A person commits criminal mischief in the third degree who does either of the following:

1. Intentionally disinters human remains from a burial site without lawful authority.

2. Intentionally disinters human remains that have state and national significance from an historical or scientific standpoint for the inspiration and benefit of the United States without the permission of the state archaeologist.

Section History: Early form

[C51, § 2638, 2714, 2746; R60, § 4265, 4356, 4396; C73, § 3929, 4017, 4075; C97, § 4865, 4945, 5043; C24, 27, 31, 35, 39, § **13050, 13100, 13148**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, § 713.5, 714.21, 718.10; C79, 81, § 716.5]

Section History: Recent form

83 Acts, ch 99, § 1; 92 Acts, ch 1060, § 10

Internal References

Referred to in § 716.6A, 717A.3

727.3 Abandoned or unattended refrigerators.

Any person who abandons or otherwise leaves unattended any refrigerator, icebox, or similar container, with doors that may become locked, outside of buildings and accessible to children, or any person who allows any such refrigerator, ice box, or similar container, to remain outside of buildings on premises in the person's possession or control, abandoned or unattended and so accessible to children, commits a simple misdemeanor.

Section History: Early form

[C58, 62, 66, 71, 73, 75, 77, § 732.20-732.23; C79, 81, § 727.3]

SOLID WASTE CONTROL OFFICER

BACKGROUND

The Black Hawk County Health Department consists of three functional divisions, one of which is the Environmental Health Division. The Environmental Health Division enforces health regulations within Black Hawk County. A significant part of its authority comes from Chapter 137.6 (2) of the Iowa Code which states in part:

"Make and enforce such reasonable rules and regulations not inconsistent with law or with the rules of the state board as maybe necessary for the protection and improvement of the Public Health."

The Environmental Health Division utilizes this authority to enforce a health nuisance regulation and a garbage and trash haulers regulation. It also contracts with the City of Waterloo to enforce a rubble site ordinance for disposal of demolition rubble. The Environmental Health Division Health Officers issue notices of violation and citations under county civil infractions provisions as part of their regulatory approach.

Although the Health Department is given broad authority in solid waste control regulatory activities, funding limitations prevent the implementation of many solid waste control strategies. For example, fees collected from the garbage and trash haulers license fees are adequate to pay cost of licensing of haulers but do not allow for surveillance or education to ensure adequate load covers at the landfill. Although we have the authority to investigate open dumping complaints in the county, funding limitations have caused us to discontinue follow-up of anonymous complaints and to refer complaints to the Iowa Department of Natural Resources when possible. Finally, no resources are available to assist in solid waste control educational activities.

PROPOSAL

We request that the Solid Waste Commission consider the ongoing funding of a full time Solid Waste Control Officer who will focus on county wide solid waste surveillance, investigation, and education. This individual will be recruited as a county pay grade 14 Health Officer with responsibilities to include but not be limited to:

1. **Investigate indiscriminate dumping complaints.** The Solid Waste Control Officer will work collaboratively with county conservation, municipal code enforcement officers, and other health officers to link resources in investigation and follow-up of indiscriminate dumping activities.
2. **Monitor landfill activity.** The Solid Waste Control Officer will routinely

provide surveillance at the landfill monitoring loads to ensure adequate coverage and also ensure that garbage and trash haulers otherwise meet regulatory requirements.

3. **Provide surveillance.** We often note locations of frequent open dumping violations. The Solid Waste Control Officer will provide surveillance of these areas to prevent accumulation of materials and discourage additional open dumping.
4. **Develop Public Education.** The Solid Waste Control Officer will participate in preparation of media materials and presentations. Public education efforts will focus on the correct methods of disposal of a variety of solid waste materials.
5. **Investigate supplemental funding.** The Solid Waste Control Officer will review opportunities for local, state and federal funds for program support. The health department will assist in grant writing activities where appropriate. Other sources of revenue including uncovered load surcharges that may assist in position funding will be researched.
6. **Enforce garbage and trash haulers regulations.** The Solid Waste Control Officer will maintain the licensing program for garbage and trash haulers with the assistance of the division secretary. The Solid Waste Control Officer will also have enforcement authority with respect to all health department regulations pertinent to solid waste.
7. **Regulation review and adoption**
The Solid Waste Control Officer will work closely with the Solid Waste Administrator in a review of current solid waste regulations. Where appropriate, the health officer will prepare and present new regulatory language as may be necessary to provide adequate public health protection.

BUDGET

It is anticipated that this individual will function as a health department employee under direction of the Division Manager. The health department will provide office space and assistance for the individual. Other health department resources including grant writing assistance, health education, and management oversight will be provided. We request that the solid waste commission provide funding for salaries, benefits, and direct costs as illustrated.

Salary	\$30,575.00
Benefits (includes: fica, Ipers, health insurance, life insurance, and workmans comp).	\$11,747.00
Transportation	\$2,675.00
Office Support, Equipment, Phone	\$3,500.00
Total	\$48,500.00

SUMMARY

Solid Waste Control remains an important priority with the Black Hawk County Health Department. Over the years our ability to provide regulatory resources to address solid waste control challenges has been gradually eroded. We have an opportunity to join forces to strengthen solid waste control regulatory and educational efforts in Black Hawk County.

MODEL CITY/COUNTY ILLEGAL DUMPING ORDINANCE

Section 1 - DEFINITIONS

- (a) Illegally Dumped Material Any solid waste including, but not limited to the following items Municipal solid waste, old corrugated cardboard, waste paper, scrap tires, household appliances, furniture, mechanical equipment, construction and demolition debris, brush or yard waste, junked automobiles, watercraft or aircraft, farm machinery, biosolids, or dead animal, which has been illegally dumped on public or private property.
- (b) Person Any individual, firm, corporation or other legal entity and authorized agents and/or officers thereof.
- (c) Law enforcement officer Any officer of the State Highway Patrol, a county sheriff's department, a municipal law enforcement department, a law enforcement department of the Iowa Department of Natural Resources.
- (d) Commercial purpose Activities resulting or for the purpose of economic gain.
- (e) Commercial vehicle A vehicle owned or used by a business, corporation, association, partnership, or sole proprietorship or any other entity conducting business for a commercial purpose.
- (f) Illegally Dump To dump, throw, discard, place, deposit, or dispose of materials by any means other than those legally prescribed by the county or municipality.

Section 2 - ILLEGAL DUMPING ON PUBLIC PROPERTY PROHIBITED

- (a) In or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided by the county, municipality or a private institution.
- (b) In or on any freshwater lake, river, canal, or stream or tidal or coastal water of the state, including Canals. When any litter is thrown or discarded from a boat, the operator or owner of the board, or both shall be deemed in violation of this section; or
- (c) In or on any private property, unless prior consent of the owner has been given and unless such litter will not cause a public nuisance or be in violation of any other state or local law, rule or regulation.

Section 3 - ILLEGAL DUMPING ON PRIVATE PROPERTY PROHIBITED

- (a) It shall be unlawful for any person to place, or cause to be placed any junk motor vehicle, old vehicle tire, or inoperative or abandoned household appliance, or part thereof, upon the right-of-way of any public highway, upon any other public or private property which he or she does not own, lease, rent or otherwise control unless it is at a permitted salvage yard, a permitted disposal site, or at the business establishment of a demolisher. Deposit of the aforementioned items on the owner's private property is also prohibited if they become a threat to the aesthetics, safety or public health of the community or become a public nuisance.

Section 4 - ENFORCEMENT AND PROSECUTION OF ILLEGAL DUMPING

- (a) All police officers, county sheriffs and deputies and municipal enforcement officers shall enforce the provisions of this ordinance.
- (b) The named enforcement officers are empowered to issue citations to, or arrest persons violating any provisions of this ordinance
- (c) All of the named enforcement officers may serve and execute all warrants, citations, and other process issued by the courts in enforcing the provisions of this subchapter. In addition, mailing by registered mail of such process to his last place of residence shall be deemed as personal service upon the person charged.

Section 5 – PENALTY

- (a) Any person who engages in the act of illegal dumping is in violation of the previous sections in an amount not exceeding 10 lbs in weight or 15 cubic feet in volume and not for commercial purposes is guilty of a minor infraction, punishable by a civil penalty not less than \$250 and no more than \$500. In addition the court may require the violator to pick up the illegally dumped materials or perform other labor commensurate with the offenses committed.
- (b) Any person who dumps litter in violation of previous sections in amounts exceeding 10 pounds in weight or 15 cubic feet in volume and not for commercial purposes is guilty of a misdemeanor of the first degree punishable by a civil penalty not less than \$300 and no more than \$1000. In addition, the court shall require the violator to pick up litter or perform other community service commensurate with the offense committed
- (c) A court may enjoin a violation of this section.
- (d) In the criminal trial of a person charged with violating this section, the state or municipality shall not have the burden of proving that the person did not have the right or authority to dump the litter or raw human waste or that litter or raw human waste dumped on private property causes a public nuisance.
- (e) The defendant shall have the burden of proving that he or she has authority to dump the litter or raw human waste and that the litter or raw human waste dumped does not cause a public nuisance.

Title 5
HEALTH AND SANITATION

Chapters:

- 5.20 Solid Waste
- 5.24 Private Dumps
- 5.36 Junked Motor Vehicles
- 5.48 Hazardous Wastes

City of Sioux City

Section 8.24.110 Littering prohibited.

1. No person, firm or corporation shall discard any litter onto or in any water or land of this City, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose.

2. No person, firm or corporation shall permit litter of any kind or description to be so placed or deposited upon private premises over which any such person, firm or corporation has control in such a manner that the same may be carried onto the streets or alleys of the City. (Ord. 2002-0458)

BOONE COUNTY ORDINANCE #22A

**AN ORDINANCE REPEALING AND REPLACING THE BOONE COUNTY JUNKYARD
ORDINANCE 22 BY PROVIDING FOR HEALTH AND ENVIRONMENTAL REGULATIONS
AND IMPLEMENTING UPDATED ZONING REQUIREMENTS.**

SALVAGE YARD ORDINANCE OF BOONE COUNTY, IOWA

Be it Enacted by the Board of Supervisors of Boone County, Iowa:

Section 1. Purpose.

The purpose of this ordinance is to regulate all salvage yard operations to promote the public health, safety, and welfare in Boone County, and to provide for the licensing of salvage yard operations and to promote recycling programs that will help keep Boone County clean.

Section 2. Definitions.

For use in this ordinance certain terms or words used herein shall be interpreted or defined as follows:

"Appliances" see "White Goods"

"Board" shall mean the Board of Supervisors of Boone County.

"Inoperable Motor Vehicle" shall mean any motor vehicle which lacks a current license or two or more wheels or other component parts, the absence of which renders the vehicle unfit for legal use on the highways.

"Enforcement Officer" shall mean the person designated by the Boone County Board of Supervisors who shall enforce the Salvage Yard Ordinance of Boone County.

"Salvage" shall mean all scrap, copper, brass, lead, or any other nonferrous metal; batteries, dismantled or inoperable vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel, or other scrap ferrous material; tin ware.

"Salvage Dealer" shall mean any person who buys, sells, transfers, delivers, or stores salvage, including all persons who operate such business at a salvage yard, and any person who by advertisement sign or otherwise holds himself out as salvage dealer in old or discarded metals, machinery, or vehicles.

"Salvage Yard" shall mean any place, used in whole or in part of the storage or deposit of salvage, in connection with a business. A place where more than one inoperable motor vehicle, discarded metal, or machinery, or used parts and materials thereof, are stored or deposited.

"Sheriff" shall mean the County Sheriff of Boone County.

"White Goods" shall mean but are not limited to refrigerators, freezers, air conditioners, dehumidifiers, clothes washers and dryers, conventional and microwave ovens, ranges and stoves, dishwashers, hot water heaters, residential furnaces, garbage disposals, trash compactors, heat pumps, humidifiers, and fluorescent light fixtures containing PCB ballasts and capacitors.

Section 3. **Permit Required.**

No person shall operate the business of salvage dealer in Boone County unless a permit is obtained according to Section 4.

Section 4. **Permit Procedure.**

Application for salvage dealer's permit shall be made on approved forms and submitted to the Planning and Development Department. The application and all other required information shall be submitted at least sixty (60) days prior to the date of issuance of such a permit. Upon such application the Enforcement Officer will inspect the premises for which the applicant seeks a permit and, if the premises comply with applicable statutes and ordinances, shall send a report of review to the Board. The Board will review all materials and make a determination as to the compliance of said Salvage Yard.

All permit renewals shall occur prior to July 1st of each subsequent year.

Any person conducting several or separate places of business as a salvage dealer shall pay the permit fee and procure a permit for each such place.

All salvage yards in existence at the time of the adoption of this ordinance shall be granted an extension of four (4) months, from the date of the adoption of this ordinance, to comply with the provisions of this ordinance.

Section 5. **Application Fee.**

An application fee of one hundred dollars (\$100.00) shall be paid at the time of application. The application fee is non-refundable and is intended to cover the cost of inspection and review of said salvage yard.

Section 6. **Bond.**

All permit holders must furnish a three thousand dollar (\$3,000.00) Surety Contract Bond to insure compliance with regulations.

Section 7. **Right of Entry.**

As a condition to the issuance of every permit, the Enforcement Officer or members of the Board shall, without advance notice, have the right during the hours of 8:30am to 4:00pm Monday through Friday to enter upon, or through a salvage yard, or any premises which is to be maintained under this ordinance. When an inspection results from information provided to the Board by any person, the Board may notify the permit holder that an inspection is proposed and the permit holder shall be allowed to accompany the inspector during the inspection.

Section 8. **Revocation of Permit.**

In the case where any salvage dealer has violated this ordinance or has otherwise conducted the business in an unlawful manner or if the permit holder has presented any false information to the County, the Board shall have the authority to revoke the Salvage Yard Permit. The salvage dealer shall be given written notice stating the specific violation(s) and a thirty (30) day period of which the salvage dealer may request a hearing before the Board. If after thirty (30) days the Board has not received written request for a hearing from the salvage dealer, the permit shall be revoked. The salvage dealer may choose to reapply for a permit after all

violations have been resolved. The issuance of a new permit will include an additional permit fee.

Section 9. Appeal.

If the Board revokes or refuses to issue a permit, the Board shall endorse the reasons upon the appropriate forms. The applicant shall have a right to a hearing before the Board at its next regular meeting. The Board may reverse, modify, or affirm the decision by a majority vote.

Section 10. Transfer to New Operator or New Owner.

If control of a salvage yard is to be transferred, the previous permit shall immediately be null and void. The new operator or owner shall apply for a permit and follow all regulations as set forth in this ordinance.

Section 11. Screening Requirement for Salvage yards.

Except in those instances described in Section 13, a salvage yard as defined in this ordinance is required to have a solid opaque fence and/or landscaping that substantially screens the frontage area in which salvage is stored or deposited. The Board shall also establish what type of enclosure is needed for the remainder of the salvage area. The fence shall be closed and locked after business hours or when the salvage yard is unattended. A sign shall be posted at the entrance indicating: operating hours, salvage material accepted, phone number, and NO dropping of material allowed after hours. The fence/landscaping shall be maintained satisfactorily to prevent damage or decay. No salvage shall be stored or deposited outside of the fence/landscaping, nor shall salvage be stacked higher than the fence/landscaping.

Section 12. Variations From Screening Requirement.

Variations from the requirement of Section 12 may be granted as follows:

- A-** In the event the perimeter of the salvage yard is effectively blocked from public view by natural terrain features or is substantially lower in elevation than the surrounding terrain in a manner which thereby renders the requirements of Section 12 ineffective, the Board may upon application allow the substitution of a non-climbable wire fabric fence in place of the solid opaque fence required in Section 12.
- B-** In the event two or more salvage yards which otherwise meet the standards of this ordinance abut each other and are located on lots adjoining each other, the Board may allow the fencing requirement of Section 12 to be substituted with a non-climbable wire fabric fence.

Section 13. Other Requirements.

- A-** Segregation of specific items: Each salvage dealer shall segregate specific items or categories of items and store such items until transferred, traded, or disposed of in a legal manner.

- B-** Concealing articles to prevent identification: No salvage dealer shall conceal, secrete, or destroy any article purchased or received by him to prevent identification thereof by law enforcement officers or any person claiming ownership.
- C-** Disposing of stolen goods or goods for which there is adverse claim: No salvage dealers shall sell, melt, break up, or otherwise dispose of any article which he has reason to believe has been stolen, or has been adversely claimed by a person, or which he has been notified not to sell or otherwise dispose of by any law enforcement officer, without first obtaining a permit in writing from the Board.
- D-** Clerks, agents, and employees are subject to governing ordinance: Every clerk, agent, or employee of the salvage dealer shall be subject to and bound by all the provisions of this ordinance, and liable to the same penalties and to the same extent as his employer or principal, for any violation thereof.
- E-** Conditions subject to abatement. If any salvage yard is kept or operated in a way detrimental to the health and welfare of the public to the extent that a public or private nuisance exists as established by Boone County Health and Sanitation Regulations, or is kept or operated contrary to the provisions of this ordinance, the County Board shall notify in writing the owner of the land upon which such salvage yard is kept or operated. The operator of the detrimental conditions, shall have, not less than thirty (30) days, and not more than one hundred eighty (180) days to correct said violations. In the event the owner or operator fails to correct such conditions or to comply with the provisions of this ordinance within such time, the county may seek abatement of the nuisance or bring an action enjoining the violations. All nuisances shall be abated in accordance with state and local laws, which may include enforcement action by the DNR. The remedies provided in this section shall be in addition to the penalties provided in Section 15 of this ordinance.
- F-** Operating a White Goods salvage yard. Any persons requesting a salvage permit to include the buying, transferring, or storing of appliances must comply with all regulations as set forth by the Department of Natural Resources (DNR). A signed and dated inspection report from the DNR must accompany the request to include appliance salvage on the county permit.
- G-** Obtaining required permits from the DNR or the Iowa Department of Transportation (IDOT). Permits as required by the State of Iowa must be applied for within thirty (30) days from the date of issuance of the Boone County Salvage yard permit. Specifically at this time will be the Auto Recycler Permit from the IDOT, and the Storm Water permit from the DNR. The issuance of the Boone County permit will not be conditional upon obtaining these permits, but the permit will be revoked if the additional permits have not been applied for within the thirty (30) day time limit.

Section 14. Hearing.

Any salvage dealer whose yard was closed down under the provisions of Section 8 shall have a right to a hearing before the Board of its next regular meeting. The Board may reverse, modify, or affirm the decision by a majority vote. In case whereby the Board affirms its decision, a salvage yard dealer shall be given thirty (30) days to reverse so as to allow that salvage yard to reopen.

Section 15. Penalty.

Any person found in violation of this ordinance shall be guilty of a county infraction as defined in Iowa Code Section 331.307 (1993). Violations may also result in revocation of permit as provided in Section 9 of this ordinance.

Section 16. Repealer.

All ordinances or parts of other ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 17. Severability Clause.

If any section provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 18. When Effective.

This ordinance shall be effective upon its adoption.

Passed and approved this _____ day of

Donovan Olson, Chairman
Boone County Board of Supervisors

BY: _____
Philippe E. Meier, County Auditor

Certified published this

**A 28E AGREEMENT PROVIDING FOR THE
JOINT EXERCISE OF POWERS
between the Iowa Counties of
Appanoose, Davis, Lucas and Monroe**

Whereas, Appanoose and Davis Counties, Iowa , have an Environmental Health Program in full operation , employing an Environmental Health Specialist each, with two partime assistants; and

Whereas, the Iowa Code allows individual counties to join together in the provision of such services; and

Whereas, Lucas and Monroe Counties, Iowa have an existing Environmental Health program on a partime basis;

Therefore, be it agreed, that Appanoose, Davis, Lucas and Monroe counties will enter into a 28E agreement for the purpose of providing complete environmental health services to Appanoose, Davis, Lucas and Monroe Counties. This agreement is predicated on the following conditions:

1. This agreement shall be effective upon filing with the Secretary of State of the State of Iowa and with the County recorders of Appanoose, Davis, Lucas and Monroe Counties. The agreement shall be perpetual unless terminated or dissolved as provided hereafter.
2. The Board of Supervisors from each county will appoint an Advisory Committee to oversee the implementation of this agreement. One person from each county will be appointed to this committee, either from the Board of Supervisors or the Board of Health. The members will have the authority to act on behalf of the county from which they were appointed. The Advisory Committee shall be responsible for the day to day operation and the administration of the offices as required.
3. The staff designated to perform services under this agreement will be the present Directors of Environmental Health and assistants from Appanoose and Davis Counties. They will be employed by Appanoose County for the duration of this agreement. This agreement does not preclude either County from hiring additional staff to carry out the direction of their County Board of Health.
4. The County Board of Health in each County will maintain all authority and responsibility exercised by the body prior to the execution of this agreement. The Advisory Committee will authorize activities and expenses within the four counties and will provide direction to the Co-Directors. The Co-Directors of Environmental Health shall be responsive to the needs and requests of the four county Boards of Health.

5. The fees and licenses for various permits issued by the four counties shall be deposited in the Environmental Health fund located in Appanoose County.

6. Any grants or funds applied for and received (i.e. Grants -To-Counties program on wells, lead testing , Government Cost Sharing etc.) shall be deposited in Appanoose County. Records will be maintained as evidence that those funds were used on services to Appanoose, Davis, Lucas and Monroe Counties.

7. Payment of services by Davis, Lucas and Monroe Counties to Appanoose County shall be done on a quarterly basis by cost sharing and split four ways equally. Payment shall be made within thirty (30) days from the end of the quarter.

8. The Co-Directors will meet with the Advisory Committee on a weekly basis for the first six (6) months or as required. Thereafter the meeting will be monthly. Additionally, monthly or quarterly meetings as scheduled will be conducted with the local Boards of Health .

9. Participating counties may elect to withdraw from the agreement but shall be required to provide written notice of intentions to do so at least thirty (30) days prior to the requested termination date or sixty (60) days prior to the end of the budgetary year. Such notice does not relieve that member from any participatory obligation entered into prior to that time and that member shall be required to pay its share of expenses incurred previous to its notice of withdrawal.

10. If a member chooses to withdraw, then the contracted revenues (i.e. Food License, Pools, sewers, wells funding etc.) prior to this agreement shall revert back to the county.

Approved and Certified through official Resolution by Appanoose, Davis, Lucas and Monroe County Board of Supervisors as attached herewith.

Dated this 17th day of June, 1996, by the members of the Appanoose County, Iowa, Board of Supervisors.

Wayne S. Lester
Chairman

David D. Day

Royce D. Joiner

Attest:

Linda K. Kerner
Appanoose County Auditor

Dated this 1st day of July, 1996, by the members of the Davis
County, Iowa, Board of Supervisors.

Max Proctor
Chairman

Ma Leyda

James E Bailey

Attest:

Geldin Rysdam
Davis County Auditor

Dated this _____ day of _____, 1996, by the members of the Lucas
County, Iowa, Board of Supervisors.

Sam Davis
Chairman

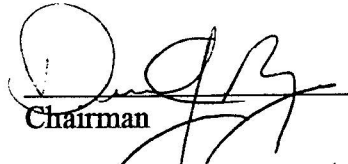
James Wright

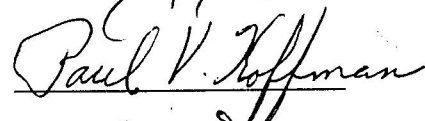
John D. Hardie

Attest:

Linda Reed
Lucas County Auditor

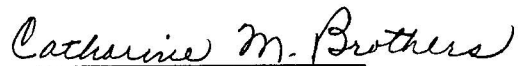
Dated this 1st day of July, 1996, by the members of the Monroe County,
Iowa, Board of Supervisors.

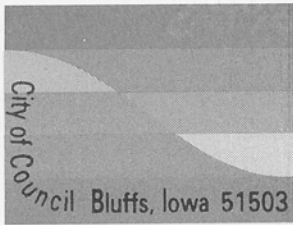

Chairman


Paul V. Hoffman


Michael R. Beary

Attest:


Catharine M. Brothers
Monroe County Auditor



Notice of Health Code Violation

OFFICE OF:
PUBLIC HEALTH DEPARTMENT
(712) 328-4666

Date: January 23, 2003

Resident/Occupant:

Council Bluffs, Iowa 51501

A violation of Municipal Code 8.54.040 has been identified on the property. X indicates violation(s) observed on the property.

() Any vehicle, trailer, boat, etc. kept outside of an enclosed garage must be currently licensed, registered and plated, must be operable and road legal with no missing parts or flat tires, and cannot be used for storage. Also, the license plates must be legally displayed with the current registration sticker attached. Any vehicle or trailer not meeting these requirements must be removed, stored in an enclosed garage, or repaired to comply with city code.

RE:

() Any solid waste kept outside on the property or adjacent city right-of-way must be removed. Items typically identified as solid waste include: wood, metal, tires, trash bags, litter, paper, cardboard, cans, buckets, furniture, appliances, cloths, glass, construction debris, garbage, animal manure, auto-parts, pallets, household items, mattresses, tree limbs, brush, etc.

RE:

The property must be in compliance within **seven (7) days** from the date above or legal action will have to be initiated, including required court appearances and fines ranging from \$500.00 – \$750.00. You can contact me at 328-4666 if you have any questions.

*****Please feel free to contact me during office hours of 8am to 9am or 4pm to 5pm.**

Sincerely,

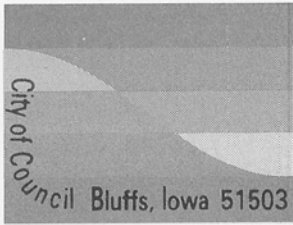
Chris Williams
Public Health Sanitarian



CITY OF COUNCIL BLUFFS, IOWA - 209 PEARL STREET - 51503-4270

FAX (712) 328-4917

"An Equal Opportunity Employer"



OFFICE OF:
PUBLIC HEALTH DEPARTMENT
(712) 328-4666

Council Bluffs, Iowa 51503

Date of Inspection:
Date of Notification:

Location: , Council Bluffs, Iowa.
Parcel Number:

Estimated Abatement Cost: \$ 000.00

You and each of you are hereby notified that the growth of one or more of the following: weeds, vines, brush, bushes, grass or noxious weeds were found to exceed a height of eighteen (18) inches upon the above described property. This constitutes a weed hazard and is a public health, safety and fire hazard as defined by Section 4.19.030 (8.51.010) and 4.19.030 (8.51.040), Council Bluffs Municipal Code.

You are hereby ordered and directed to destroy and remove the weed hazard within **seven (7) days** from the date of notification indicated above. Your failure to do so shall be sufficient cause for the City to abate the weed hazard by cutting, spraying or other means, which may be authorized without further notice. All litter, debris, solid waste, and rubbish including brush, weeds, and tree branches, which may or may not be hidden by growth must also be removed and disposed of properly within the same seven (7) days.

In the event that the City is required to abate the weed hazard, you will be billed for all costs. The estimated cost is indicated above. This is only an estimate and the actual cost could be more. If you fail to pay, the cost plus additional charges and interest will be assessed on your taxes.

Please govern yourself accordingly!

Note: You are also responsible for maintaining any adjacent public property, adjacent parking, public right-of-way and to the center of adjacent alleys.

*****Please feel free to contact me during office hours of 8am to 9am or 4pm to 5pm.**

Sincerely,

Chris Williams,
Public Health Sanitarian

CITY OF COUNCIL BLUFFS, IOWA - 209 PEARL STREET - 51503-4270

FAX (712) 328-4917

"An Equal Opportunity Employer"

